



P.O. Box 291  
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June 22, 2009

attn: Cassandra Paris,  
Patent Appeals Specialist  
Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

re: U.S. APPLICATION NUMBER: 10/680830  
FILING DATE: 07OCT03  
NAME OF APPLICANT: Timothy Raymond Cronin  
TITLE OF INVENTION: Certified protection from subliminal  
content for recordings.

Dear Patent Appeals Specialist Paris:

In what follows I hope to address the compliance points raised by your Office communication: Notification of Non-Compliant Appeal Brief (DATE MAILED: 05/28/2009). And in the order you've listed those items, 1-10, respectively.

\*

1) I cannot determine specifically what is being referred to, but this first non-compliance point statement could be, as I believe it is, a general statement of the non-compliance points which are mentioned in subsequent numbered non-compliance point items.

\*

2) The status of my claim is that of final rejection by the examiner, e.g. see my appeal brief p.5, lines 11-13. And my application's only claim is identified in my appeal brief in as much as it is repeatedly referred to, it being the one and only claim of my application.

\*

3) There have been no amendments filed by me subsequent to the final rejection by the examiner. Nothing of that sort should be showing up in the record. But if it is it is bogus and invalid. Anyway I could find nothing like that in the Public PAIR record for my application number when I looked at that record this past week.

\*

4) Although my appeal brief refers to not only a concise but a precise explanation of the subject matter defined in my application's one and only independent claim, it does not as you point out contain all of that information.

It did not occur to me that a paper copy of parts of the Image File Wrapper which is associated with my application would need to accompany my appeal brief: I thought such information would be ready at hand electronically to the Appeal Board. So I've enclosed a paper copy of that Image File Wrapper except I have not included the for this purpose superfluous non-letter appendices of my appeal brief.

And along with that copy a cover sheet identifying that information as Appendix F. And I ask that it be included with my appeal brief if you deem it necessary and proper to do so to advance my appeal brief to the Appeal Board. That entire new Appendix F would probably be scanned into the Image File Wrapper associated with my application number. And this electronic duplication might cause disruption or delay of my application.

For that reason and particularly for the convenience of the Appeal Board I've labeled the separate sections of that copy from the Image File Wrapper with their corresponding Document Codes and Mail Room Dates. And I've numbered those separate sections in sequence for ease in handling the paper copy. I've also included a hand written note in red ink on the first page of the section which I've numbered 38 as a perhaps unnecessary precaution against a recurrence of that error of 2005 which is addressed in PART ONE of my appeal brief.

\*

5) I must ask for your forbearance here — Although the examiner did present questions about my claim in his non-final rejection, he seems by then to have formed a strong opinion about the patentability of my claim. Really no valid ground of objection was put forward by the examiner in light of the fact that he did not understand my patent application's claim. This is evidenced by for example patents he cites for probable rejection of my claim. Nor did he carefully consider my response to his non-final rejection, but he apparently rejected that response and my application's claim offhand.

That is one of the two main reasons I've appealed the examiner's final rejection of my application. I did not specify an art unit to which my application was to be directed since it wasn't required. But my application seems

in retrospect to have been inadvertently placed with an inappropriate art unit.

Undoubtedly, you would agree that it is not appropriate nor is it necessary for me to present arguments to you regarding the validity of the principal elements of my appeal such as whether or not my utility patent application's claim is patentable — These are matters for consideration by the Appeal Board.

But you are clearly confronted with the difficulties of checking whether or not my appeal brief conforms to the regulations regarding the technical way in which it should be presented to the Appeal Board.

Salient among those difficulties are those evidenced by the compliance points in item four of your Office communication to me. So for your convenience I've briefly discussed some of the elements of my appeal to help you understand why my appeal brief took the form it did. And why it does not lay out, e.g., "means plus function" and "step plus function" as you mention in item four.

I believe my appeal brief arguments are trenchant and the relevant facts are undeniable. Yet, it is for the Appeal Board to decide on the issue of application date and of my application's claim's patentability.

I've waited since October 2003 for my application to be given a thorough examination. While my appeal brief's technical structure might not fit the regulation's standards exactly that is mostly due to knotty problems which were primarily not created by me. Nevertheless, I think, it deserves a careful and complete vetting by the Appeal Board.

\*

6) Referring back to my answer to item five (above): in my appeal brief there is in fact a heading "PART TWO" in which part I respond to the need for a careful, that is thorough, vetting of my utility patent application's claim.

\*

7) I've enclosed a copy of my utility patent application's claim with a cover sheet defining it as Appendix D. And I ask that it be included with my appeal brief.

\*

8) Along with their cover sheet I've enclosed for addition to my appeal brief a copy of both United States Patents (Jandei; Mori et al.) entered as evidence by the examiner

and which I relied upon in the appeal: these I define as Appendix E on their associated cover sheet.

Also, the first part of the sentence which comprises compliance point eight appears to me to perhaps require my sending a copy of the entire Image File Wrapper associated with my utility patent application number as an inclusion to my new Appendix E (which Appendix E is mentioned in the immediately preceding sentence (above)). But to avoid redundancy, I refer you to my new Appendix F which I have defined in my answer to your Office communication's item four (above).

\*

9) There was no Related Appeals and Interferences section of the brief; thus, no need for a related appendix.

\*

10) This item was for reference only; and, so, does not need a response.

\*

Please note that when I printed out a copy of my appeal brief from the Image File Wrapper I noticed that the cover sheets for the three Appendices to my appeal brief had not been scanned into that file. And in that Image File Appendix C is first (starting with the article "my space, the sequel"). Appendix B follows it (starting with the article "Relax. Let your guard down."). And an incomplete and jumbled Appendix A is last, and the articles it contains are presented in reverse order (and starting with the article "Ensuring the Safety of America's Drug Supply") and missing the article "Warner Music, YouTube and music-video deal"; which, too, was sent with my appeal brief.

So I've enclosed three new cover sheets which are like the originals, and which I ask be added to my appeal brief in their appropriate positions as indicated above. This is because the articles which comprise the three appendices to my appeal brief were arranged to correspond to the three appendices of my response letter to the non-final rejection wherein which each of those appendices listed the articles respectively which were included in my appeal brief's appendices.

\*

Finally, I assert that I do not abandon my application, nor do I abandon my appeal. I believe my appeal brief is trenchant and concise and possibly the best presentation of the problems

which arose out of the unusual, complicating difficulties involved with my patent application.

Thank you for reading this response to your Office communication.

Sincerely,



Timothy Raymond Cronin

Enc.

## Appendix A

## Appendix B

## Appendix C

## Appendix D

### (Claim)

**Specification (contd.)**

**CLAIM**

0007) What I claim as my invention is:

**Certified verifiable subliminal-free**

**audio recordings,**

**recordings containing both audio and video content,  
and visual recordings.**

## Appendix E

(Information which is not in the Image File Wrapper  
which relates to my application and which  
was entered as evidence by the examiner (see:  
    Image File Wrapper Doc. Code CTNF,  
    Mail Room Date 10-14-2008; pp. 2 and 6  
    (re: Jandell; Mori et al.) which  
    I relied upon in my appeal)

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( 1 of 1 )

**United States Patent****6,122,322****Jandel****September 19, 2000****Subliminal message protection****Abstract**

The present invention relates to a method and to a system for detecting a first context change between two frames. When a second context change between a further two frames occurs within a predetermined time interval, the frames accommodated within the two context changes are defined as a subliminal message. An alarm is sent to an observer upon detection of a subliminal message.

**Inventors:** **Jandel; Magnus** (Upplands Vasby, SE)**Assignee:** **Telefonaktiebolaget LM Ericsson** (Stockholm, SE)**Appl. No.:** **09/310,739****Filed:** **May 13, 1999****Related U.S. Patent Documents****Application Number**

PCTSE9701909

**Filing Date**

Nov., 1997

**Patent Number****Issue Date****Foreign Application Priority Data**

Nov 19, 1996 [SE]

9604241

**Current U.S. Class:**375/240.13 ; 348/154; 348/473; 348/699; 348/E5.067;  
348/E5.105; 358/908; 375/E7.267**Current International Class:**H04N 7/52 (20060101); H04N 5/14 (20060101); H04N  
5/445 (20060101); H04N 005/14 (); H04N 009/64 ()**Field of Search:**

346/46,94 358/908 348/699,700,473,475,553,154,155

**References Cited [Referenced By]**

**U.S. Patent Documents**

<u>5099322</u>	March 1992	Gove
<u>5642174</u>	June 1997	Kazui et al.
<u>5644363</u>	July 1997	Mead
<u>5719643</u>	February 1998	Nakajima
<u>5751378</u>	May 1998	Chen et al.
<u>5801765</u>	September 1999	Gotoh et al.
<u>5929920</u>	October 1999	Sizer, II
<u>5969755</u>	October 1999	Courtney

**Foreign Patent Documents**

4106246 C1	Mar., 1992	DE
95/06985 A1	Mar., 1995	WO

*Primary Examiner:* Britton; Howard

*Assistant Examiner:* Diep; Nhon T

*Attorney, Agent or Firm:* Nixon & Vanderhye, PC

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*Parent Case Text*

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This is a continuation of PCT application Ser. No. PCT/SE97/01909, filed Nov. 13, 1997.

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*Claims*

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What is claimed is:

1. A method of distinguishing between messages in a sequence of frames that include image information, the method comprising:

detecting a first context change between a first and a second frame,

detecting a second context change between a third and a fourth frame,

comparing the time period between the first and the second context changes with a first threshold value, and

indicating said message in dependence on said comparison.

2. A method according to claim 1, characterized in that relevant data related to the first and second context changes and data relating to the source of the frame sequence are stored in a memory.

3. A method according to claim 1, characterized in that a second message is indicated in dependence on whether a third context change between said first and said fourth frame is detected.

4. A method according to claim 1, characterized in that said first context change is detected by measuring the energy difference between said first and said second frames.

5. A method according to claim 1, characterized in that said second context change is detected by measuring the energy difference between said second and said third frames.
6. A method according to claim 4, characterized in that the energy is measured by calculating, for each frame point, the difference between the value of a frame point in a first frame and the value of the corresponding frame point in a second frame, calculating the square of the calculated difference, and forming the sum of the calculated square values for all frame points.
7. A method according to claim 1, characterized in that said first context change is detected by measuring the energy in a first displaced frame difference (DFD), and using the measured energy to calculate the second frame from the first frame.
8. A method according to claim 1, characterized in that said second context change is detected by measuring the energy in a second displaced frame difference (DFD), and using the measured energy to calculate the fourth frame from the third frame.
9. A method according to claim 7, characterized by comparing the energy in the displaced frame difference with a second threshold value, and indicating a context change in dependence on said comparison.
10. A method according to claim 8, characterized by comparing the energy in the displaced frame difference with a second threshold value, and indicating a context change in dependence on said comparison.
11. A method according to claim 7, characterized in that the energy in the displaced frame difference (DFD) is measured by calculating the square of the value in each frame point in the displaced frame difference and forming the sum of the calculated values for all frame points.
12. A method according to claim 7, characterized in that the energy in the displaced frame difference (DFD) is measured by calculating the absolute magnitude of the value in each frame point in the displaced frame difference and forming the sum of the calculated values for all frame points.
13. A method according to claim 1, characterized in that the first context change is indicated when an I-frame in an MPEG-stream is detected.
14. A method according to claim 1, characterized in that the second context change is indicated when an I-frame in an MPEG-stream is detected.
15. A method according to claim 1, characterized by comparing the second frame with a fifth frame stored in a frame library, and indicating the first message in dependence on said comparison.
16. A method according to claim 2, characterized by storing in said memory the frame sequence between the first and the second context change.
17. A method according to claim 2, characterized in that a user is able to examine the contents of said memory.
18. A method according to claim 1, characterized in that said second frame and said third frame are one and the same frame.

19. A system for automatically detecting subliminal messages in a frame sequence, the system comprising:

means for measuring context changes between two frames in the frame sequence; means for initiating an alarm; means for storing a frame sequence; means for calculating a time difference between two context changes; means for comparing a measured time difference with a threshold value; and means for initiating an alarm in response to the outcome of said means for comparing.

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*Description*

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The present invention relates to a system and to a method for protecting an observer from subliminal messages.

#### BACKGROUND OF THE INVENTION

Subliminal messages are messages that are sent in a manner such as to be undetectable consciously by an observer. Subliminal messages are hidden suggestions that can only be perceived by the subconscious. In video communication, a subliminal message can be flashed so quickly that the viewer will not be aware of having seen the message. The viewer can, nevertheless, be influenced by the message content. Consider, for instance, the case of a subliminal advertisement that is sent while the viewer is studying the latest televised news from the stock market. The advertisement may inform the viewer that ACME chocolate is good to eat, but is flashed so quickly that the viewer is unaware that he/she has been subjected to an advertisement. Some viewers, however, can be influenced subconsciously by the advertisement, and later feel an unexplainable longing for ACME chocolate.

The ground-based transmission of television channels are subject to ethical and legal constraints that are aimed towards preventing the above type of advertising. However, it is not possible to guarantee the prevention of the transmission of subliminal messages in many of the international satellite-based television channels that do not obey local laws and regulations. The protection of an observer from such messages is more difficult to achieve in modern types of communications, such as Internet and videotelephony, for instance. Subliminal messages can be hidden not only in a video sequence, but also in still images, or what the observer considers to be still images, and also in audio sequences.

Two mutually sequential images of an image sequence are seldom exactly the same. The fundamental concept of mediating movement with the aid of a plurality of mutually sequential images is that each image will differ slightly from the preceding image. When the images are shown at speed, this is perceived by the eye as a movement and not as a presentation of individual images, by virtue of the eye having a certain degree of inertia. In the majority of cases, only a small part of the image frame is involved in the actual movement; compare a walking person against a stationary background in this regard. This feature is used for different types of image sequence compression, such as MPEG2, for instance. MPEG2 saves space in the image sequence, by sending, among other things, approximative information that describes those pixels that change. However, this results in the introduction of errors in the image sequence, making it necessary to synchronise the image at regular intervals. This is achieved with a so-called I-image that contains all information necessary to compile a complete image.

Image sequences also include a row of different frames in order to enable a moving image to be transmitted in the most effective manner possible. A frame contains image information that is presented on a medium, possibly together with further frames, to form an image or picture. For instance, an interlaced image is comprised of two frames. The term frame will be used consistently throughout the

following description. By frame is meant information that is used to compile an image. A frame can itself include a complete image, or solely parts of an image, or information from which an image can be calculated. An I-frame is a complete frame that includes image information. Because an I-frame contains a great deal of information, it is expensive to transfer. A new P-frame can be formed from an I-frame or from a P-frame. A P-frame, (prediction frame) is formed by transferring to the receiver side movement vectors and DFD (Displaced Frame Difference) related to the preceding frame. The movement vectors describe how objects in the preceding frame shall be moved to form the P-frame. When the new P-frame is formed, errors will occur due to rounding-up, for instance. DFD describes how the calculated P-frame differs from the original image. The difference between the values of each pixel in the calculated frame and in the original frame can be calculated with regard to black-white frames. A colour frame that uses RGB (Red, Green, Blue) can be transformed to a form in which one portion consists of a luminance part. The luminance part can be used to calculate the DFD, in this case. A P-frame is more cost-effective than an I-frame, since movement vectors plus DFD contain much less information than a corresponding I-frame would contain. Also included are B-frames which are calculated from preceding and succeeding P-frames.

The expression subliminal message is also used to describe a code where a number of encrypted messages are encoded within the same set of symbols. This has no relationship at all with the present invention.

Described in U.S. Pat. No. 5,151,788 is a system for identifying and eliminating advertisements in and from a video signal, by detecting blank images. The concept of this solution cannot be applied to subliminal messages, because subliminal messages are not normally preceded by a blank image.

Described in FR 2,622,077 is a system for detecting discontinuities between images, by analyzing an analogue video signal line-by-line. The concept is not applicable to the present invention, since subliminal messages do not differ from other signals when considered line-by-line.

## SUMMARY OF THE INVENTION

The present invention addresses the aforesaid problems, by detecting subliminal messages and warning an observer of their presence.

The object of the present invention is thus to protect an observer against subliminal messages.

The aforesaid problems are solved by the present invention, by detecting subliminal messages and warning an observer of their presence, by detecting a context change between two frames.

More specifically, there is detected a first context change between two frames. When a second context change occurs between a further two frames within a predetermined time period, the frames accommodated within the two context changes are defined as an subliminal message. When a subliminal message has been detected, an alarm is sent to an observer.

A context change can be defined as a major change in the content of a frame; c.f. a scene change, for instance.

A frame point can be defined as a value in a point in an image that together with other frame points compiles said image.

The present invention provides the advantage of enabling subliminal messages to be detected and stored for later analysis.

Another advantage is that an observer can be protected against and warned of the presence of subliminal messages.

The invention will now be described in more detail with reference to preferred embodiments thereof and also with reference to the accompanying drawings.

## BRIEF DESCRIPTION OF THE DRAWINGS

FIG. 1 is an overview of one embodiment according to the invention.

FIG. 2 is a flowchart illustrating one embodiment of the invention.

FIG. 3 is a flowchart illustrating another embodiment of the invention.

FIG. 4 is a flowchart illustrating the detection of a context change in accordance with one embodiment of the invention.

FIG. 5 is a flowchart illustrating the detection of a context change according to another embodiment of the invention.

FIG. 6 is a flowchart illustrating the detection of a context change in accordance with still another embodiment of the invention.

FIG. 7 is a flowchart illustrating the detection of a subliminal message.

FIG. 8 illustrates a subliminal protection module.

## DETAILED DESCRIPTION OF PREFERRED EMBODIMENTS

FIG. 1 is an overview of one embodiment of the invention. Reference numeral 101 identifies an observer or viewer watching a film on a television 102. Although the term film and television are used in describing this embodiment, it will be understood that equivalent terms can be used instead, for instance such terms as MPEG-sequence and data terminal. The reference numeral 111 identifies a frame sequence sent to the television 102 from a source 110. The sequence of frames 111 arrives at the television 102 via an SMP-module 112 (Subliminal Message Protection). The SMP-module may alternatively be integrated with the video decoder. The source 110 may, for instance, be a cable-TV distributor, an SP (Service Provider) or a computer connected to Internet or Intranet. FIG. 1 shows part of a frame sequence 111, where reference 103 identifies a frame in the normal sequence. Reference 104 also identifies a frame in the normal sequence, although in the illustrated case the frame 104 constitutes the last frame that occurs in the normal sequence prior to the occurrence of a context change 105. A context change can be defined as a major change in the content of a frame; c.f. a scene change for instance. The context change 105 is followed by a series of frames which together constitute a subliminal message 106. The subliminal message 106 may be comprised of solely one frame or of several mutually sequential frames. Reference 107 identifies a context change which terminates the subliminal message and the normal frame sequence reappears. Reference 108 identifies the first frame in the normal frame sequence, while reference 109 identifies the next following frame. The SMP-module 112 detects the context changes 105 and 107. As soon as the context changes 105 and 107 occur within a specified time interval, an alarm is generated and the subliminal message 106 is stored and can be played back by the observer 101.

FIG. 2 is a flowchart illustrating one embodiment of the invention. Reference 205 identifies a frame sequence. Reference CC1 identifies a context change between the normal frame sequence N and those frames that constitute the subliminal message S. Reference CC2 identifies a context change between the subliminal message S and the normal frame sequence N. Each frame that arrives at an SMP-module (not shown) is compared with the last frame to arrive, and context changes are detected, in accordance with box 201. The time at which the two latest context changes occurred is saved. The time difference between the latest two context changes to take place is calculated in accordance with box 202. When the time difference is smaller than a threshold value  $T_s$ , a user alarm 203 is triggered and the image frozen, in accordance with box 204. The observer is then able to ascertain whether or not he/she has been subjected to a subliminal message and, if so, the nature of the message.

FIG. 3 is a flowchart illustrating another embodiment of the invention. Reference 301 identifies a frame sequence arriving at an SMP-module (not shown). Reference CC1 identifies a context change in the frame sequence. Reference N1 identifies the last frame in the normal frame sequence, while reference S1 identifies the first frame in the subliminal message. Reference S2 identifies the last frame in the subliminal message and reference CC2 identifies a context change between S2 and N2, where N2 identifies the first frame in the normal sequence after the context change CC2. The SMP-module (not shown) functions to detect context changes, and the time at which these changes occur is saved together with the frames N1, N2, S1 and S2, in accordance with box 302. If the time difference between the latest two context changes CC1 and CC2 is smaller than a given threshold value  $T_s$ , box 303, a preliminary alarm is triggered and relevant data logged, e.g. the subliminal message source, the message arrival time, and so on, in accordance with box 304. A test is then run to ascertain whether or not a context change exists between frames N1 and N2. If no context change exists between said frames, an alarm is triggered (box 306) and the frame sequence frozen (box 307). The observer is now able to evaluate consciously the context change that has occurred, through the medium of the frozen frames and the logging activity that has ensued.

Those occasions on which the entire frame has been drastically changed, such as in the case of a scene change, can be mediated with an I-frame in the frame sequence. When the transmission of a subliminal message is commenced, there will occur a scene change that causes a major part of the frame to be changed between two mutually sequential frames. Thus, a context change can occur when the receiver receives an I-frame. When two I-frames are received in succession within a short space of time, the transmission of a subliminal message can be suspected.

FIG. 4 is a flowchart that illustrates the detection of changes with the aid of I-frames in an MPEG-sequence. Reference 401 identifies a frame sequence that arrives at an SMP-module (not shown). The SMP-unit receives a frame, box 402, and ascertains whether or not the frame received is an I-frame, box 403. The receipt of an I-frame indicates a context change, box 404.

FIG. 5 is a flowchart that illustrates the detection of a context change, by numerically calculating a value of the change between two frames. The reference 501 identifies a frame sequence arriving at an SMP-unit (not shown). The SMP-unit (not shown) receives a frame  $N_{.sub.i}$ , box 502. The frame  $N_{.sub.i}$  is stored in a memory  $L_{.sub.2}$ . Prior to this, the value of  $L_{.sub.2}$  is stored in a memory  $L_{.sub.1}$ , box 503. A value  $E$  of the difference between the frames is then calculated, by summing an energy measurement of the difference between corresponding frame points in the frames  $L_{.sub.1}$  and  $L_{.sub.2}$ , box 504. This energy measurement may, for instance, be  $x_{.sup.2}$ , which would give the following formula:

where  $I_{.sub.s}$  is the value of the frame point  $s$  in the frame  $L_{.sub.2}$ , and  $I'_{.sub.s}$  is the value of the frame point  $s$  in the frame  $L_{.sub.1}$ . A context change is indicated when  $E$  is greater than a threshold value  $T_{.sub.e}$ , in accordance with boxes 506 and 506 respectively.

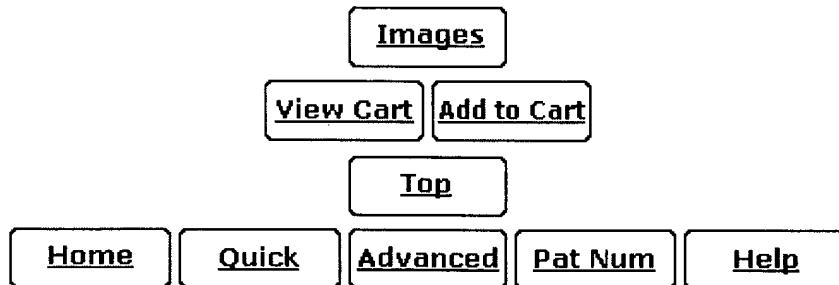
As illustrated in FIG. 6, a context change between two P-frames can be detected in a manner similar to that described above, by measuring the energy in the DFD. In FIG. 6, the reference numeral 601 identifies a frame sequence. The energy is calculated, box 603, for each DFD received, box 602. If the amount of energy contained by the DFD is greater than a threshold value 604, this indicates that a context change has taken place, box 605.

The SMP may include a library function that contains data relating to known subliminal messages, as shown in FIG. 7. The reference numeral 701 identifies a frame sequence. Each frame received, box 707, is compared with the frames stored in the library, box 703, and when sufficient similarity is noted, box 704, a user alarm is triggered, box 705. This comparison may be carried out by filtering each frame, so as to present a number of characteristic features. These characteristic features are then compared with the features stored in the library function. One advantage with this procedure is that computer power and memory space are saved.

FIG. 8 illustrates in greater detail an SMP-module 802 connected to a monitor 801. A frame sequence arrives at the SMP-unit 803. The frames pass a system 807 which functions to detect context changes. The system 807 includes a part 804 whose function is to measure the energy content of a frame, a part whose function is to compare the energy value with a threshold value 808, and a part whose function is to initiate an alarm. The SMP also includes means for storing a stream or sequence of frames 806.

It will be understood that the invention is not restricted to the aforescribed and illustrated exemplifying embodiments thereof, and that modifications can be made within the scope of the following claims.

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( 1 of 1 )

**United States Patent****Mori , et al.****5,526,125****June 11, 1996**

Editing device for sequentially editing desired discrete scenes of respective user-specified durations

**Abstract**

An editing device for sequentially editing desired scenes or cuts. The editing device includes a CPU 11 which, when triggered by actuation of an edit button switch 12, issues a rewind playback command signal to a video camera 1 for a pre-set time, while issuing a pause canceling command signal to a VTR 2. After lapse of a pre-set time since the issuance of the pause canceling command signal, as set by a rotary switch 13, the CPU 11 outputs a pause setting command signal to the VTR 2. An infrared LED 14 converts the command signals from the CPU 11 and outputs the converted signals. The editing may be achieved by a simple operation of pressing the edit button switch 12 for facilitating the operation as compared to that with the conventional device.

**Inventors:** **Mori; Akinari** (Tokyo, JP), **Kondo; Yoshio** (Chiba, JP)**Assignee:** **Sony Corporation** (Tokyo, JP)**Appl. No.:** **08/251,338****Filed:** **May 31, 1994****Foreign Application Priority Data**

May 31, 1993 [JP]

5-152863

**Current U.S. Class:****386/52 ; 386/E5.069; G9B/27.008****Current International Class:****G11B 27/022 (20060101); G11B 27/028 (20060101); H04N 5/77 (20060101); G11B 27/024 (20060101); H04N 009/79 ()****Field of Search:****360/10.1 358/311,312,335 348/211****References Cited [Referenced By]****U.S. Patent Documents**

<u>4272790</u>	June 1981	Bates
<u>4866542</u>	September 1989	Shimada et al.
<u>5025324</u>	June 1991	Hashimoto
<u>5055937</u>	October 1991	Yamada et al.
<u>5258875</u>	November 1993	Hashimoto
<u>5282048</u>	January 1994	Bae
<u>5323243</u>	June 1994	Cheon

*Primary Examiner:* Chin; Tommy P.

*Assistant Examiner:* Din; Luanne P.

*Attorney, Agent or Firm:* Maioli; Jay H.

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***Claims***

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What is claimed is:

1. An editing device for controlling an editing operation of an editing system having a reproducing unit and a recording unit, comprising:

operating means actuated by a user, for generating pre-set operating signals including an edit operating signal in response to the actuation of said operating means by the user; and

command signal issuing means for detecting said edit operating signal, said command signal issuing means having

means for issuing a rewind playback command signal to said reproducing unit after detection of said edit operating signal by said command signal issuing means, and thereby effecting a rewind operation of said reproducing unit for a first pre-set time interval followed by playback operation of said reproducing unit,

means for issuing a pause cancelling command signal to said recording unit in a recording pause state after detection of said edit operating signal by said command signal issuing means, and thereby effecting cancellation of the recording pause of said recording unit, and

means for issuing a pause setting command signal to said recording unit a second pre-set time interval after issuance of said pause cancelling command signal in response to said detected edit operating signal, and thereby temporarily halting the recording operation of said recording unit.

2. The editing device as claimed in claim 1, further comprising

time setting means for setting said second pre-set time interval.

3. The editing device as claimed in claim 1, wherein said command signal issuing means issues said pause cancelling command signal after the rewind operation of said reproducing unit and before restarting the playback operation of said reproducing unit, playback commencing with signals being reproduced at the time of the actuation of said operating means.

4. The editing device as claimed in claim 1, further comprising:

converting means for converting said rewind playback signal, said pause cancelling command signal and said pause setting command signal into infrared rays.

5. The editing device as claimed in claim 1, further comprising

display means for making a pre-set display indicating the recording operation of said recording unit during a time period between the issuance of said pause cancelling command signal and the issuance of said pause setting command signal.

6. The editing device as claimed in claim 1, further comprising:

second operating means actuated by the user, for generating a playback operating signal in response to the actuation of said second operating means by the user; and

second command signal issuing means for detecting said playback operating signal, and thereafter issuing a playback command signal to said reproducing unit to effect a playback operation of said reproducing unit.

---

*Description*

---

## BACKGROUND OF THE INVENTION

This invention relates to an editing device and, more particularly, to an editing device for sequentially editing desired discrete scenes (one-cuts).

In a conventional editing device, the user locates a desired scene or cut as he or she views a reproduced picture, and sets the start position and the end position of the cut for each cut by an extremely laborious operation.

Specifically, a video tape recorder with a built-in camera, referred to herein as a video camera, as a reproducing unit is connected to a video tape recorder, referred to herein as a VTR, as a recording unit, so that playback picture signals from the video camera are supplied to the VTR and to the monitor receiver.

Thus the user retrieves a desired cut to be edited, as he or she views the pictures displayed on the monitor receiver. The user then sets the start position (IN) and the end position (OUT) of the cut on the playback tape on the editing device, using, for example, a so-called time code or a tape counter.

The user then presses the edit button provided on the editing device. The editing device then causes the video camera to rewind the tape to IN and reproduce the playback tape, and subsequently cancels the temporary halt of recording, referred to herein as pause. As a result, recording of the desired cut is started.

When the recording up to "OUT" comes to a close, the editing device controls the pause of the video camera and the VTR. This sets the video camera and the VTR in a pause state to terminate the editing, that is, dubbing, of the desired cut.

When performing the editing of the next cut, it becomes necessary to press the playback button to re-

start the playback of the video camera in order to effect the retrieval of the next desired cut by means of the setting of "IN" and "OUT".

Thus the conventional editing device suffers from the problem of a complicated operating procedure.

## SUMMARY OF THE INVENTION

In view of the above-described status of the prior art, it is an object of the present invention to provide an editing device which is superior in operability and which enables the editing time to be reduced as compared to the conventional device.

According to the present invention, there is provided an editing device for controlling an editing operation comprising operating means for generating pre-set operating signals and command signal issuing means for detecting the operating signal and issuing a rewind playback command signal to a reproducing unit for effecting a rewind and playback operation for a pre-set time period. After the issuance of the rewind playback command signal, the command signal issuing means issues a pause canceling command signal to a recording unit which is in the recording pause state for canceling the recording pause state. The command signal issuing means also issues, after lapse of a pre-set time period from the issuance of the pause canceling command signal, a pause setting command signal to the recording unit for temporarily halting the recording by the recording unit.

In one aspect of the present invention, the pre-set time period may be set by time setting means, such as a rotary switch.

With the editing device of the present invention, the user operates operating means for issuing a rewind playback command signal to the reproducing unit for a pre-set time period, while issuing a pause canceling command signal to the recording unit. After lapse of a pre-set time period from the issuance of the pause canceling command signal, a pause setting command signal is issued to the recording unit for recording picture signals for the desired cut from the playback tape of the reproducing unit to the recording tape of the recording unit. The operation may be simplified significantly as compared with that achieved by the conventional device since if the user finds a desired scene for recording as he or she views the playback picture it is only necessary that she pushes the operating means, such as an edit button switch. Furthermore, there is no necessity of setting the recording start position (IN) or the recording end position (OUT) in distinction from the conventional device so that the editing time may be reduced significantly. In addition, the length of the cut may be set to a desired value by the recording time setting means.

## BRIEF DESCRIPTION OF THE DRAWINGS

FIG. 1 is a block diagram showing an arrangement of an editing system employing an editing device according to the present invention.

FIG. 2 is a block diagram showing a circuit arrangement for the editing device.

FIG. 3 is a flow chart for illustrating the operation of the editing device.

FIG. 4 is a timing chart for command signals output from the editing device.

FIG. 5 is a timing chart showing in tapes loaded the video camera and the VTR making up the editing system, along with the operating state of the video camera and the VTR.

## DESCRIPTION OF THE PREFERRED EMBODIMENT

Referring to the drawings, an embodiment of the present invention will be explained in detail. FIGS. 1 and 2 illustrate the arrangement of the editing system employing the editing device according to the present invention and the circuitry of the editing device, respectively.

The editing system is first explained.

Referring to FIG. 1, the editing system is made up of a video tape recorder with a built-in camera 1, referred to hereinafter as a video camera, a video tape recorder, referred to as a VTR, as a picture recorder for recording playback picture signals from the video camera 1, a monitor receiver 3 for monitoring or viewing a picture reproduced by the video camera, and an editing device 10 for remote controlling the video camera 1 and the VTR 2.

When a desired scene or cut is presented as a playback picture displayed on the monitor receiver 3, the user viewing the displayed picture pushes an editing button switch 12 provided on an operating portion of the editing device 10. This causes various remote control command signals (remote control signals) to be sent from the editing device 10 to the video camera 1 and to the VTR 2, so that the cut is recorded by the VTR 2.

Specifically, the editing device 10 embodying the present invention includes, as shown in FIG. 2, a CPU 11, an editing button switch 12 for actuating the CPU 11, a rotary switch 13, an infrared light-emitting diode (infrared LED) 14, a key matrix switch 15, for remote controlling, for example, the video camera 1, a light emitting diode (LED) for display 16, a battery 17 for supplying the power to, above all, the CPU 11, and an oscillator 18 for generating clock signals. The CPU 11 issues a rewind playback command signal to the video camera 1 for a pre-set time period, and issues a pause canceling command signal to the VTR 2 for canceling a recording pause state. The CPU 11 also issues a pause setting command signal to the VTR 2 for temporarily halting the recording after lapse of a pre-set time period from the issuance of the pause canceling command signal. The rotary switch 13 sets the pre-set time period from the issuance of the pause release command signal supplied by CPU 11 until issuance of the pause setting command signal. The infrared LED 14 issues the command signals from the CPU 11 after conversion into, for example, infrared rays.

The CPU 11 is a so-called one-chip micro-computer provided with, for example, a read-only memory (ROM), a random-access memory (RAM) and an input/output interface (I/O), and is operated in accordance with a flow chart shown, for example, in FIG. 3.

Referring to the flow chart in FIG. 3, the CPU 11 decides, at a step ST1, whether the playback button for the video camera 1 of the key matrix switch 15 has been pressed. If the answer is NO, the CPU 11 proceeds to step ST2. If the answer is YES, the CPU 11 proceeds to a step ST3. At step ST3, the CPU 11 outputs a playback command signal for starting the playback to the video camera 1 in accordance with a format prescribed for the video camera. The CPU 11 then proceeds to a step ST4. The infrared LED 14 converts the playback command signal from the CPU 11 into infrared rays which are transmitted to the video camera 1. The video camera 1 accordingly starts the playback operation.

At the step ST2, the CPU 11 issues command signals, such as for stop, fast feed or the like, in association with the pressed button before reverting to the step ST1. As a result, the video camera 1 performs the stop, fast feed or the like operations.

At the step ST4, the user locates (retrieves) the desired cut, as he or she views the playback picture displayed on the monitor receiver 3, and presses the edit button switch 12. The CPU 11 detects a signal

from the edit button switch 12 at this time and decides whether the user has pressed the edit button switch 12. If the answer is YES, the CPU 11 proceeds to a step ST5. If the answer is NO, the CPU 11 reverts to the step ST1. The technique of initially setting the video camera 1 to the playback state is not limited to the technique at the steps ST1 and ST3. Thus, for example, the playback state may also be set by directly acting on the video camera 1. That is, the key matrix switch 15 need not necessarily be provided on the editing device 10. In such case, the operations of the steps ST1, ST2 and ST3 may be eliminated and the CPU 11 repeats the step ST4 until the edit button switch 12 is pressed.

At the step ST5, the CPU 11 issues the rewind playback command signal (REV signal) for a pre-set time interval, for example, for a time interval T.sub.1, such as 2 to 3 seconds, from the pressing of the edit button switch 12, as shown in FIG. 4, before proceeding to a step ST6. As a result, the video camera performs rewind playback operations for 2 to 3 seconds.

At the step ST6, the CPU 11 measures the time interval which elapses since the REV signal on the video camera 1 ends until the playback time is stabilized using a timer before proceeding to a step ST7. Specifically, the CPU 11 measures the time interval T.sub.2 by counting clock signals, as shown in FIG. 4.

At the step ST7, the CPU 11 issues to a VTR 2 a pause canceling command signal that cancels the temporary recording stop (recording pause), as shown in FIG. 4, in accordance with the format as prescribed for the VTR, before proceeding to a step ST8. As a result, the VTR 2 starts its recording operation.

At the step ST8, the CPU 11 measures the pre-set time period as set by the user with the rotary switch 13, that is, the recording time period T.sub.3, using a timer, as shown in FIG. 4, before proceeding to a step ST9. The time period that can be set by the rotary switch 13 is based on, for example, 5 seconds as a unit, and is up to 45 seconds.

At the step ST9, the CPU 11 issues a recording pause setting signal to the VTR 2 for temporarily halting the recording before reverting to the step ST1.

In this manner, the video signal from a start position 21a of a desired cut up to an end position 21b on a playback tape 21 loaded on the video camera 1 is recorded, that is, dubbed, on a recording tape 22 loaded in the VTR 2. The recording start position 22a may be approximately one second ahead of the start position 21a of the desired cut, as shown, for example, in FIG. 5. During the recording of the desired cut, the LED 16 provided on the operating part may be lighted from the issuance of the pause canceling command signal until issuance of the pause setting command signal in order to apprise the user of the fact that the recording is proceeding.

When the recording comes to an end, the video camera 1 continues in the playback state, while the VTR 2 is in the recording pause state, as indicated in FIG. 5, such that the user is able to retrieve the desired one cut and press again the edit button switch 12 as he or she continues to view; the playback picture. Thus the operation may be simplified significantly as compared with that of the conventional device. There is also no necessity of setting the recording start position (IN) or the recording end position (OUT) as required with the conventional device, so that the editing time may be reduced significantly. In addition, the length of the one cut may be set by the rotary switch 13 to, for example, 5 seconds, to facilitate viewing of the cut.

Furthermore, the editing device 10 is simpler in circuit construction, as shown in FIG. 2, while being small-sized, lightweight, and lower in cost than the conventional device. In addition, the device consumes less power and may be operated by a battery.

\* \* \* \* \*

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Appendix G

(re: Item 8 in the Notification of Non-Compliant Appeal  
Brief; Date Mailed: 05/28/2009)

The evidence (Jandell; Mori et al.) entered by the examiner into the record which I've relied upon in my appeal and which was not in the Image File Wrapper associated with my application number (10/680830) was entered by reference into the record by the examiner in his non-final rejection. See: Image File Wrapper for my application (application number 10/680830) Document Code CTNF, Mail Room Date 10-14-2008, pp. 2 and 6.

## Appendix F

(Part of my application's Image File Wrapper contents  
including my earlier response to the examiner's  
non-final rejection of my utility patent  
application's claim.)

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P.O. Box 291  
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P.O. Box 1450  
Alexandria, VA 22313-1450

re: U.S. APPLICATION NUMBER: 10/680830  
FILING DATE: 07OCT03  
NAME OF APPLICANT: Timothy Raymond Cronin  
TITLE OF INVENTION: Certified protection from subliminal  
content for recordings.

Dear Appeal Board:

This Appeal Brief has two parts. The first part refers to my utility patent application being lost at the USPTO and resulting problems with its application number and application date. The second part refers to the final rejection of my utility patent application wherein which my response to the non-final rejection of that application was not given a careful reading.

#### PART ONE

In his final rejection letter the Examiner writes "The fact pattern set forth in lines 18-40 on page 6 of the response filed 11/4/2008 is not understood..." (see: Image File Wrapper Document Code [hereinafter Doc. Code] CTFR; Mail Room Date [hereinafter the document's Mail Room Date will be listed right after the Doc. Code separated only by a semicolon] 02-23-2009; p.2, item 2]. He apparently wasn't familiar with the documents about this Case which were in the Image File Wrapper. This I didn't anticipate otherwise I probably would have brought to his attention the specific references.

Below, in the first part of this letter, I have explained these problems by referring to the Image File Wrapper contents in detail.

There have been problems with my application from the start -- Problems I was not initially aware of.

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04/27/2009 WABDEL1 00000002 10680830

01 FC:2402

On 28JUL05 my application was said to have been probably "lost in cyberspace" (see: p. 1, para. 4 of my letter to the USPTO (Doc. Code LET.; 09-09-2005)). But long before that, on Friday 07NOV03, I contacted the Recording Industry Association of America (RIAA) at phone # (202)775-0101. I called twice that day and talked with someone who identified himself as "A.J." I hoped the recording industry would implement my patent application's claim for our mutual benefit.

We talked for about an hour, I think, with one of the calls from about 10:00 to 10:20 in the morning. I explained to him my patent application's claim and made sure he understood that I had a patent pending, but it was something that I thought the recording industry would benefit from implementing. A.J. seemed to understand what I was talking about, but was dismissing apparently owing to his concerns that implementation of my application's claim would impugn other manufacturers who did not certify protection from subliminal content for recordings.

He seemed to anticipate legal trouble. I tried to reassure him that the point of producing higher quality products was not to asperse existing products. Instead, it was to make better products available for sale to the public.

Then I complicated the matter by an error in my letter dated September 5, 2005 -- This error I tried to correct with my letter dated September 30, 2005. Please see paragraphs 1-4 of that letter (Doc. Code Let.; 10-04-2005). Later, in a letter dated October 26, 2006 I offered proof that my application was made on 07OCT03 and that the application number was 10/680830. Please read that short letter and look at the photocopies of the postcard and Express Mail Customer copy which I'd sent with it (Doc. Code LET.; 11-02-2006).

After I learned that my application had been lost I contacted the USPTO about what to do. I was asked to send a copy of my application. I sent that copy along with a handwritten letter (dated August 12, 2005, and a copy of which is included in my September 5, 2005 letter mentioned above (see:Doc. Code LET.; 09-09-2005)).

Also, please see page 3, third full paragraph of my September 5, 2005 letter (Doc. Code LET.; 09-09-2005) wherein I reaffirmed what I had told Mrs. Robinson. That is, that what I sent her was not an original application, but a copy of my earlier application. She had suggested that I send that copy of my application via USPS Express Mail which I did (Express Mail # ED 659185884 US) [PLEASE NOTE: this is NOT the USPS Express Mail number used to mail my original and one and only application in October of 2003!].

I mailed that copy as per her instructions to:

IC

Mrs. Marcia Robinson  
South Tower Building, Room 437 A  
Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313

But what happened is that she filed it as a new application (see: Doc. Code TRNA; 08-12-2005; pp.1&2. Note the USPTO marks in the upper right margins of those pages: it's a new application number which showed up after that numerous times. For examples of this please look at the application number entries on the first pages of the following File Wrapper items: Doc. Code PEFN; 08-31-2005  
Doc. Code PEFR; 09-09-2005  
Doc. Code IMIS; 10-20-2005  
Doc. Code PEFR; 10-20-2005.

And the wrong application date is still showing up (see, e.g., Doc. Code CTFR; 02-23-2009; p.1).

Subsequently I had to respond to missing parts requests. One was for an Abstract of the Disclosure. And I included that with my letter dated September 5, 2005 (Doc. Code LET.; 09-09-2005). I responded to another missing parts request (see: Doc. Code OATH; 01-05-2006). And to the fee request (see: Doc. Code PEFR; 10-20-2005 which includes my letter dated October 19, 2005 wherein which I state in the last paragraph of that letter that I've enclosed the fees requested).

But in an effort to prevent my application from appearing to have been abandoned I, also, had to respond to a missing parts request due to the unsigned copy's Declaration: that copy of which I'd deliberately not signed because it was not a new application. And I had to respond to a request for basic filing fee money (see: Doc. Code PEFN; 08-31-2005). Please note that on the first page of the document which is located at Doc. Code PEFR; 10-20-2005 a printout appears under the title word NOTICE which suggests that the money which I'd sent had been received. This unnecessary payment was later refunded to me as the copy of "notice to check recipient" with my letter dated June 14, 2008 shows (see: Doc. Code LET.; 06-19-2008).

Note, too, that with my letter dated October 19, 2005 (see: Doc. Code PEFR; 10-20-2005) I included a National Exchange Bank & Trust certified copy of the check I'd used to pay the original filing fee. Yet, in a USPTO Decision of Petition (see: Doc. Code PETDEC; 10-18-2006) on p.2, in the fourth, fifth, and sixth sentences of the last big paragraph on that page it says "Applicant argues...his application...was resubmitted [emphasis added] on August 12, 2005." I never argued that my application was resubmitted. Instead, just the opposite!

Consequently I sent a letter to the USPTO dated October 26, 2006 (see: Doc. Code LET.; 11-02-2006) with which I included a copy of my postcard originally sent with my application. And a copy of the USPS Express Mail Customer Copy from the mailing of my application on October 7, 2003. But I, also, enclosed copies of the first pages of USPTO letters sent to me and variously dated 12/23/2005, 01/11/2006 and 04/20/2006 which had my application's correct application number and application date on them.

This I hoped would fix the mix-up regarding my application number and application date. I then waited for an examination of my utility patent application, and I received a check from the USPTO in June 2007. Please see my letter dated June 14, 2008, p.1, para. 1 and the photocopy of the "notice to check recipient" (both at Doc. Code LET.; 06-19-2008).

About a year after I received that refund check I wrote a letter to the USPTO dated June 14, 2008 (same letter mentioned immediately above; Doc. Code LET.; 06-19-2008), in which I asked for consideration of some matters and movement towards the end of being granted a patent if possible. Please read that short two page letter.

That letter seems to have led to the initial examination of my patent application by Examiner Harvey. But he was using the incorrect filing date (see: Doc. Code CTNF; 10-14-2008). So I asked him in my letter dated October 27, 2008 (Doc. Code A...; 11-04-2008) on p. 6, in the last two sentences of the second-to-last big paragraph, whether or not my earlier submission of an expanded Abstract of the Disclosure (see: Doc. Code ABST; 09-09-2005) would have changed my original patent application date. But I didn't think it would since that submission was in response to a missing parts request (see: Doc. Code PEFN; 08-31-2005). Examiner Harvey did not respond to my question in his final (status action) rejection letter (Office communication) (Doc. Code CTFR; 02-23-2009).

In my letter to the USPTO dated October 27, 2008 (Doc. Code A...; 11-04-2008) in the second half of the second full paragraph on p.3, I mention the pitfall of endless checking and double checking. I've certified that the photocopy of the postcard with my patent application's application number and application date and the USPS Express Mail Customer Copy and the Portage Post Office receipt are true copies. And the National Exchange Bank & Trust Customer Service Representative certified that the copy of my original check to the USPTO is true.

As the saying goes "it's turtles all the way down." And I point this out not to be facetious nor peevish, but to transition to the other salient reason I've made this appeal.

## PART TWO

I wrote a letter to the USPTO dated June 14, 2008 (Doc. Code LET.; 06-19-2008) to ask that my application be examined. And in that letter I tried to address what I thought might have been issues causing what seemed to me to be a delay in the processing of my application. Then in the fall of 2008 I received a non-final rejection letter from the Examiner (Doc. Code CTNF; 10-14-2008).

In response to that non-final rejection I sent a letter dated October 27, 2008 to the Examiner in which I felt that I had adequately answered each of his objections (Doc. Code A...; 11-04-2008). But in February 2009 I received a letter from the Examiner (Doc. Code CTFR; 02-23-2009) in which his rejection of my patent application's claim was final. But it was as if the Examiner hadn't carefully read my response to his non-final rejection.

He takes a section of my response to his non-final rejection out of context (please see: Doc. Code CTFR; 02-23-2009; p.2, para. 1.B) as if he hadn't noticed that in the several prior lines I state explicitly that what follows was not what he seemed to take it to be. And that's a fact. Please see: Doc. Code A...; 11-04-2008; p.4, lines 17-20). And twice in that same letter, on p.4 in the top three lines and on p.5. in the second-to-last paragraph top two lines, I state what my claim's method is.

And please note that in the Examiner's final rejection letter on p.4, Item 4 (see: Doc. Code CTFR; 02-23-2009) the Examiner repeats what he'd written in his non-final rejection letter to me (see references to my letter dated 6/19/2008 in 4.B and 4.C). With the exception of the numbering of the main outline headings the final rejection letter's pp. 3-9 contain the same text as the non-final rejection letter's pp. 2-8. And as well and taken together the final rejection letter's pp.10-11 contain the same text as the non-final rejection letter's pp. 9-10. Consequently, by simply repeating the text of his non-final rejection letter the Examiner makes on those pages no reference to my response (Doc. Code; A...; 11-04-2008) to that non-final rejection letter.

Pages 12 and 13 of the final rejection letter do not relate to the examination of my application's claim. Page one is a summary. Only Page 2 is new. But on p.2 in Item 1.C) the Examiner appears to be focused on trying to determine what method my claim posits for verifying. But that is not what my claim is about. My use of "method" in my response to the non-final rejection (see: Doc. Code A...; 11-04-2008; p.2, para.1, sentence 1 (see also: p.3, fourth full paragraph)) was in accordance to a dictionary definition and which is a

meaning broader than that which would be constrained by the concept "active steps of manipulation" (please see: Doc. Code CTFR; 02-23-2009; p.2, item 1.A, first five sentences). That dictionary definition is: "A means or manner of procedure; especially, a regular and systematic way of accomplishing anything" (from The American Heritage Dictionary of the English Lanquage).

Also on p.2, item 1.D of his final rejection letter the Examiner seems to confuse certify and verify. These I discuss exhaustively in my letter (Doc. Code A...; 11-04-2008; in particular p.3, all but the last two paragraphs of p.4, and on p. 2 in the fourth paragraph I explain that by definition "Certification is the record of verification").

I ask you to read that whole letter (Doc. Code A...; 11-04-2008) dated October 27, 2008. In it I tried to use language with precision. That's why on page four in the first line of the first paragraph and in the last line of the second paragraph the word order of "certified" and "verifiably" are respectively reversed. This word order reversal is not accidental; instead, I was attempting to convey specific meaning in each case, while expanding the context of the use of those words. And that, precisely to enhance the clarity of what I was writing.

I believe my patent application claim's method is a new and useful composition of processes. A method which encompasses well-known conceptual processes which are essential to it. Processes such as certification. One can imagine new technologies being discovered which change and enhance the practical viability of certification in the future.

My patent application's claim clearly is not, e.g., about defeating subliminals (Please see: Doc. Code A...; 11-04-2008; p.2, para.3, lines 24-31). Yet the Examiner seems to have taken that view due to my use of "protection" in the Title of Invention. The Examiner's effective re-citing of Jandell on pp.2&3 and Mori on p.7 of his final rejection letter (Doc. Code CTFR; 02-23-2009) suggests that he did not carefully read my response to his non-final rejection letter. Both of those patents in no way interfere with my patent application's claim. I've shown why in my responses to each of the Examiner's non-final items of objection which were relevant to that issue.

And the Examiner didn't consider the three appendices to my letter dated October 27, 2008 (Doc. Code A...; 11-04-2008). See Doc. Codes APPENDIX; 11-04-2008. He wrote that this was because I had not provided copies of the articles which I was referring to in my lists of references (see Doc. Code. CTFR; 02-23-2009; p.2, item 1E). I didn't know that sending

copies for this purpose was required, but to avoid getting permission from the many copyright holders I've enclosed with this appeal the originals of those articles. Those articles are in a large envelope on which I've put my return address and sufficient postage so that you can if possible return them to me after you've reviewed them.

Those appendices were meant to substantiate these three topics: Appendix A: pursuit of technological fixes to intellectual property theft

Appendix B: pursuit of legal and political fixes to intellectual property theft

Appendix C: losses due to intellectual property theft, and potential market size

Nevertheless, short quotes from a number of the references were included in the appendices which the Examiner was free to consider. But he wrote that he did not (see: Doc. Code CTFR; 02-23-2009; p.2, item 1.E). The Examiner, also, seemed to have been looking for something tangible and simple. Yet my patent application's claim is directed at something tangible though not simple.

In my response to the Examiner's non-final rejection letter I wrote (see: Doc. Code A...; p.4, lines 36-39) that "My patent application's claim...is essentially about a manufacturing process improvement which will result in superior product quality, which improvement cannot be stolen" because my hope was and remains that subliminal-free products be made for the consumer market. In which case other processes besides strictly manufacturing processes necessarily were and are, also, contemplated as part of the method of implementing my patent application's claim.

Earlier this year, during a broadcast of American Public Media's "Marketplace" show, compact disc (CD) sales were said to have been declining by 20% per year. And that that deficit in CD sales has not been made up by online sales.

Still, the recording industry with its hundreds of billions of dollars in sales each year and its many billions of dollars of losses each year due to intellectual property theft has not made as far as I can tell certified verifiable subliminal-free recordings available to the public. Evidently no one yet has tried to obtain a patent for a claim as was put forth in my original patent application. And as I explained in my letter to the USPTO dated June 14, 2008, I wasn't trying to get a patent for an "idea" (see: Doc. Code LET.; 06-19-2008; last two paragraphs of p.1 and the first two paragraphs of p.2).

My patent application's claim is not amenable to being broken down into numbered sub-parts. The words certified and

Verifiable are not synonyms. And "Certified verifiable" is a feature of my patent application's claim the details of implementation of which are not the subject of that claim (please see: Doc. Code A...; 11-04-2008; p.2, first sentence of last paragraph; and p.3, para. 4).

In his final rejection letter (Doc. Code CTFR; 02-23-2009) the Examiner on p.2, item 1.B uses "appears" (in the first line of item 1.B) and "...the [emphasis added] process/method..." (in the second line of item 1.B). The Examiner notes that these "...steps" are not recited in the pending claim..." (from third line of item 1.B). I reiterate here that they were not "in the pending claim" because they are not the claim. They were in the Specification (please see: Doc. Code SPEC; 08-12-2005; p.3, item 0006)

Also on page two, but in item 1.A of his final rejection letter the Examiner refers to 35 U.S.C. 101 and assumes "...active steps of manipulation" ...comprise said alleged method/process..." and thus are "...required of method/process claims." The Examiner then writes "...such cited/argued steps are not tied to a machine/apparatus" in the last sentence of item 1.B on p.2 (Doc. Code CTFR; 02-23-2009). In that same document on p.5., item 5 shows that 35 U.S.C. 101 separates "machine" and "composition of matter" from ""process" and manufacture." This suggests that the U.S. does not limit itself to patenting only processes and manufactures each conceptual part of which is tied to a specific material object instead of to numerous, currently available and to conceivably yet-to-be-discovered homologues.

I believe that my patent application contains language the meaning of which could only be pried open coercively. And sales of subliminal-free recordings could not be expected to overlap completely with the current market. Instead, it more likely would be a large dollar value niche market.

Finally, the USPTO's core function seems to be to promote technological ramification. If so, that goal might at first glance seem to be at odds with creating markets based on product purity. War, of course, does tend to spur technological growth. But what point that growth if only for more war, especially since wars can be lost?

Thank you for your consideration of this appeal. I look forward to hearing from you about your decision.

Sincerely,

*Timothy Raymond Cronin*

Timothy Raymond Cronin

04-24-2009

2

**ARTIFACT**

**ARTIFACT SHEET**

Enter artifact number below. Artifact number is application number + artifact type code (see list below) + sequential letter (A, B, C ...). The first artifact folder for an artifact type receives the letter A, the second B, etc.. Examples: 59123456PA, 59123456PB, 59123456ZA, 59123456ZB

**10680830MA**

Indicate quantity of a single type of artifact received but not scanned. Create individual artifact folder/box and artifact number for each Artifact Type.

CD(s) containing:

computer program listing

Artifact Type Code: P

Doc Code: Computer

pages of specification

and/or sequence listing

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and/or table

Doc Code: Artifact

content unspecified or combined

Doc Code: Artifact

Artifact Type Code: U

Stapled Set(s) Color Documents or B/W Photographs

Doc Code: Artifact    Artifact Type Code: C

Microfilm(s)

Doc Code: Artifact    Artifact Type Code: F

Video tape(s)

Doc Code: Artifact    Artifact Type Code: V

  
**1**

Model(s)

Doc Code: Artifact    Artifact Type Code: M

Bound Document(s)

Doc Code: Artifact    Artifact Type Code: B

Confidential Information Disclosure Statement or Other Documents marked Proprietary, Trade Secrets, Subject to Protective Order, Material Submitted under MPEP 724.02, etc.

Doc Code: Artifact    Artifact Type Code X

Other, description: \_\_\_\_\_

Doc Code: Artifact    Artifact Type Code: Z

04-24-2009

TRAN.LET

3a



PTO/SB/21 (02-09)

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HFW AF

TRANSMITTAL  
FORM(to be used for all correspondence after initial filing)  
(excluding this form)(PLEASE  
SEE BELOW)

Total Number of Pages in This Submission

Application Number	10/680830
Filing Date	07 OCT 03
First Named Inventor	TIMOTHY RAYMOND CRONIN
Art Unit	2621
Examiner Name	DAVID E. HARVEY
Attorney Docket Number	

## ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <i>Brief in support of an appeal to the Board of Patent Appeals and Interferences (8 pages). Also, SASE (large) containing 03 packets of newspaper and magazine articles w/cover sheets.</i>
Remarks		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name			
Signature	<i>Timothy Raymond Cronin</i>		
Printed name	TIMOTHY RAYMOND CRONIN		
Date	APRIL 21, 2009	Reg. No.	

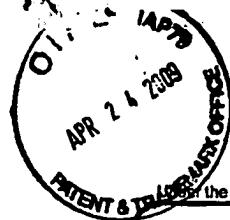
## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature	<i>Timothy Raymond Cronin</i>		
Typed or printed name	TIMOTHY RAYMOND CRONIN	Date	APRIL 21, 2009

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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35

PTO/SB/17 (10-08)

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Effective on 12/08/2004.  
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

# FEE TRANSMITTAL For FY 2009

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)270.00

## Complete If Known

Application Number	10/680830
Filing Date	07 OCT 03
First Named Inventor	TIMOTHY RAYMOND CRONIN
Examiner Name	DAVID E. HARVEY
Art Unit	2621
Attorney Docket No.	

## METHOD OF PAYMENT (check all that apply)

Check  Credit Card  Money Order  None  Other (please identify): \_\_\_\_\_

Deposit Account Deposit Account Number: \_\_\_\_\_ Deposit Account Name: \_\_\_\_\_

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

Charge fee(s) indicated below  Charge fee(s) indicated below, except for the filing fee

Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17  Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

## FEE CALCULATION

### 1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity	Fee (\$)	Small Entity	Fee (\$)	Small Entity	
Utility	330	165	540	270	220	110	
Design	220	110	100	50	140	70	
Plant	220	110	330	165	170	85	
Reissue	330	165	540	270	650	325	
Provisional	220	110	0	0	0	0	

### 2. EXCESS CLAIM FEES

#### Fee Description

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims	Fee (\$)	Fee Paid (\$)
- 20 or HP =	x	=			52	26
HP = highest number of total claims paid for, if greater than 20.					220	110
Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)		390	195
- 3 or HP =	x	=				
HP = highest number of independent claims paid for, if greater than 3.						

### 3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$270 (\$135 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 =	/ 50 =	(round up to a whole number) x		

### 4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Filing a brief in support of an appeal

270.00

## SUBMITTED BY

Signature	<i>Timothy Raymond Cronin</i>	Registration No. (Attorney/Agent)	Telephone
Name (Print/Type)	TIMOTHY RAYMOND CRONIN		Date <u>APRIL 21, 2009</u>

This collection of information is required by 37 CFR 1.138. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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03-11-2009

N/AP

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AF/  
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PTO/SB/31 (02-09)

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NOTICE OF APPEAL FROM THE EXAMINER TO  
THE BOARD OF PATENT APPEALS AND INTERFERENCES

Docket Number (Optional)

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]  
on 06 MAR 09

Signature Timothy CroninTyped or printed name TIMOTHY CRONIN

In re Application of <b>TIMOTHY RAYMOND CRONIN</b>	
Application Number <b>10/680830</b>	Filed <b>07 OCT 03</b>
For	
Art Unit <b>2621</b>	Examiner <b>DAVID E. HARVEY</b>

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 41.20(b)(1))

\$ 540.00

Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: \$ 270.00

A check in the amount of the fee is enclosed.

Payment by credit card. Form PTO-2038 is attached.

The Director has already been authorized to charge fees in this application to a Deposit Account.

The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. \_\_\_\_\_

A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

I am the

 applicant/inventor. assignee of record of the entire interest.  
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.  
(Form PTO/SB/96) attorney or agent of record.

Registration number \_\_\_\_\_

Timothy Raymond Cronin  
SignatureTIMOTHY RAYMOND CRONIN  
Typed or printed name

Telephone number

 attorney or agent acting under 37 CFR 1.34.  
Registration number if acting under 37 CFR 1.34. \_\_\_\_\_06 MAR 09

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.  
Submit multiple forms if more than one signature is required, see below\*. \*Total of \_\_\_\_\_ forms are submitted.

This collection of information is required by 37 CFR 41.31. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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03/12/2009 RFEKADU1 00000005 10680830

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02-23-2009

CTFR

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/680,830	08/12/2005	Timothy Raymond Cronin		5367
7590		02/23/2009	EXAMINER	
Timothy Raymond Cronin P.O. Box 291 Portage, WI 53901			HARVEY, DAVID E	
			ART UNIT	PAPER NUMBER
			2621	
			MAIL DATE	DELIVERY MODE
			02/23/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

5b

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/680,830	CRONIN, TIMOTHY RAYMOND
	Examiner DAVID E. HARVEY	Art Unit 2621

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 04 November 2008.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_.

**1. Applicant's arguments filed 11/4/2008 have been fully considered but they are not persuasive. The following is noted:**

A) In the response filed 11/04/2008 [e.g., the first paragraph on page 2; the first 3 lines on page 4; the sixth paragraph on page 4; the last paragraph on page 5; etc,...], applicant argues/suggests that his invention is directed to a "method" and/or "process". If this position is accurate, then the instant claim(s) should be drafted to positively forth the "active steps of manipulation" which comprise said alleged method/process - i.e., as is required of method/process claims. It is maintained that the "idea" of certifying that a recording is free of subliminal messages, in a verifiable manner, is not itself patentable [e.g., such an "idea" does not fall within one of the statutory classes of patentable inventions defined by section 101 (see paragraph 5 below)].

B) In lines 20-34 on page 4 of the arguments, applicant appears to set forth "steps" that he regards as comprising the process/method of his invention. It is noted, however, that that these cited/argued "steps" are not recited in the pending claim, and that such cited/argued steps are not tied to a machine/apparatus.

C) In the third paragraph on page 2, applicant alleges that "subliminal messages are never undetectable" because, "by definition", they are detected "unconsciously" by the human observer. The examiner notes that in order to "verify" that a recording is free of subliminal messages, it would appear that one needs a method/device that is capable of "consciously"/physically detecting the presence of such subliminal messages in the program. To this point, it is noted that an alleged "subliminal audio message" might be added to the audio of a program at such a low volume as to make it undetectable by any "known" method/machine manner and yet still be arguably detectable, i.e., "unconsciously", by an observer. The instant disclosure, as filed, does not appear to appear to adequately describe/claim a method/process/device by which a program can be "certified" as being free of messages *in such a "verifiable" way* ( i.e., physically/consciously).

D) It is noted that, as currently argued, "certification" appears to refer to the attachment of a "label" to a recording indicating that the recording is free of subliminal messages whereas "verification" appears to refer to some kind of paper trail that may be provided in support of this "certification". Even if true, such terminology does not define active steps of manipulation required of a method claim.

E) The examiner notes that the "evidence" cited in appendices A-C of the response filed 11/4/2008 were not considered because copies of the cited documents were not provided.

**2. The fact pattern set forth in lines 18-40 on page 6 of the response filed 11/4/2008 is not understood by the instant examiner. Specifically, it is not clear from the discussion as to: what papers were filed on what dates; as to which of these filed papers are currently of record and which these filed paper may not be of record; and as to what filing date applicant believes he is entitled. Clarification is needed/requested.**

### 3. The showing of Jandel (U.S. Patent #6,122,322):

A) Jandel has been cited because it evidences that it was known to be desirable to protect an observer from subliminal messages present in video, still image, and audio media:

**"The protection of an observer from such messages is more difficult to achieve in modern types of communications, such as Internet and videotelephony, for instance. Subliminal messages can be hidden not only in a video sequence, but also in still images, or what the observer considers to be still images, and also audio sequences"** [Note lines 32-37 of column 1].

B) In an attempt to provide an observer with such desired "protection", Jandel discloses a system that comprises:

- 1) Circuitry for detecting a specific type of subliminal messaging in a received video sequence; and
- 2) Generating and alarm warning the observer as to the detection of said specific type of subliminal messaging in the received video sequence.

Here it is noted that the system's lack of detection of this specific type of subliminal messaging in the received video sequence, inherently "**verifies**" that the video sequence is **free of said detectable type of subliminal messaging**.

C) The examiner notes that despite the fact that Jandel recognized the desire to protect the observer from various other forms of subliminal messages, e.g., such as subliminal messages in audio sequences (note part "A" of this paragraph), the invention disclosed by Jandel only detects/protects the observer from a specific type of message in video sequences. While not explicitly stated in Jandel, the examiner maintains that this is because subliminal messages are, by definition, messages that are intended to be undetectable (i.e., and the majority of subliminal messages are just that – undetectable).

4. The instant invention:

As noted in part "C" of paragraph 1 above, it is maintained that most conventional forms of subliminal messaging are, by definition, undetectable. Given the undetectable nature of most forms of conventional forms of subliminal messaging, a question arises as to the meaning of the expression "***certified verifiable subliminal free ... recordings***" recited in the instant claim of the instant application. That is, if subliminal messages are undetectable, then how can the invention "certify"/"verify" content to be free of subliminal messages - i.e., how can the invention certify/verify recorded media to be free of content that cannot be detected? The following is noted:

- A) The examiner maintains that it is unclear from the instant disclosure how and/or by what means/process the recited recording are "certified" to be "subliminal-free" in a way that is "verifiable";
- B) To the extent that the invention is understood, as disclosed and explained (note the communication of 6/19/2008), it appears that the invention pertains to a method/process in which audio/visual recording are produced in a "secure production environment", thereby enabling the "manufacturer" of the recordings to "***certify***" (i.e., in some unspecified manner) that the recording, and copies thereof, are free of subliminal messages [note lines 1-7 of paragraph 0004 of the instant specification]. The disclosure/claim further suggest that this unspecified "certification" is somehow "verifiable", however, the instant disclosure fails to describe how such verification is accomplished and/or is possible; i.e., again given the fact that such messages are, by definition, undetectable;
- C) It is noted that, contrary to applicant's arguments submitted 6/19/2008), the instant claim of the instant application fails to set forth a "method" of producing the recited recordings in that it fails to positively set forth "steps" for performing a method as required of a method claim. Claim 1 of cited U.S. Patent #6,122,322 to Jandel is hereby cited as being illustrative of the required format of a method claim;
- D) Additionally, given the above, it is the examiner's position that to the extent that it is understood, the disclosed/claim invention encompasses the notoriously well known process by which home users conventionally produced/"manufactured" home videos using conventional video cameras and home editing/dubbing units. Namely, conventional home videos, and copies produced therefrom, were conventionally produced in a "secure" home/user environment in which the user (i.e., the "manufacturer" of the home video and copies thereof) was able to certify/verify that the home video recordings and copies thereof, including video and audio recording content, were in fact free of subliminal messages.

5. 35 U.S.C. 101 reads as follows:

**Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.**

6. The instant claim (hereafter "claim 1") is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The instant claim, as currently drafted, is directed to audio/visual "recordings" per se and, as such, fails to set forth a new and useful process, machine, manufacture, or composition of matter, as required under section 101.

**7. The following is a quotation of the first paragraph of 35 U.S.C. 112:**

**The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.**

**8. Instant "claim 1" is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The following is noted:**

As addressed above in paragraph 2 of this Office action, it is unclear from the instant disclosure:

- A) How and/or by what means/process the recited recordings are "**certified**" as subliminal-free (i.e., how and by what means/process is such "certification" performed/accomplished/determined?; and
- B) How and/or by what mean/process this recited certification is verified and/or "verifiable"?

Clarification is required.

**9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:**

**A person shall be entitled to a patent unless –**

**(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.**

**10. "Claim 1" is rejected under 35 U.S.C. 102(b) as being anticipated by US Patent #5,526,125 to Mori et al.**

As is shown in Figure 1, Mori illustrates an audio/visual production system for producing/"manufacturing" (@ 1) audio/visual recordings and (@ 2) copies thereof in a "secure" user/home environment. As such, the user is implicitly capable of certifying/verifying that the master audio/visual recordings produced thereby (@1), and produced audio/visual recording copies thereof (@2), are free of subliminal messages.

11. An examination of this application reveals that applicant is unfamiliar with patent prosecution procedure. While an inventor may prosecute the application, lack of skill in this field usually acts as a liability in affording the maximum protection for the invention disclosed. Applicant is advised to secure the services of a registered patent attorney or agent to prosecute the application, since the value of a patent is largely dependent upon skilled preparation and prosecution. The Office cannot aid in selecting an attorney or agent.

A listing of registered patent attorneys and agents is available on the USPTO Internet web site <http://www.uspto.gov> in the Site Index under "Attorney and Agent Roster." Applicants may also obtain a list of registered patent attorneys and agents located in their area by writing to the Mail Stop OED, Director of the U. S. Patent and Trademark Office, PO Box 1450, Alexandria, VA 22313-1450

**12. Content of Specification**

- (a) Title of the Invention: See 37 CFR 1.72(a) and MPEP § 606. The title of the invention should be placed at the top of the first page of the specification unless the title is provided in an application data sheet. The title of the invention should be brief but technically accurate and descriptive, preferably from two to seven words may not contain more than 500 characters.
- (b) Cross-References to Related Applications: See 37 CFR 1.78 and MPEP § 201.11.
- (c) Statement Regarding Federally Sponsored Research and Development: See MPEP § 310.
- (d) The Names Of The Parties To A Joint Research Agreement: See 37 CFR 1.71(g).
- (e) Incorporation-By-Reference Of Material Submitted On a Compact Disc: The specification is required to include an incorporation-by-reference of electronic documents that are to become part of the permanent United States Patent and Trademark Office records in the file of a patent application. See 37 CFR 1.52(e) and MPEP § 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text were permitted as electronic documents on compact discs beginning on September 8, 2000.
- (f) Background of the Invention: See MPEP § 608.01(c). The specification should set forth the Background of the Invention in two parts:
  - (1) Field of the Invention: A statement of the field of art to which the invention pertains. This statement may include a paraphrasing of the applicable U.S. patent classification definitions of the subject matter of the claimed invention. This item may also be titled "Technical Field."
  - (2) Description of the Related Art including information disclosed under 37 CFR 1.97 and 37 CFR 1.98: A description of the related art known to the applicant and including, if applicable, references to specific related art and problems involved in the prior art which are solved by the applicant's invention. This item may also be titled "Background Art."

(g) **Brief Summary of the Invention:** See MPEP § 608.01(d). A brief summary or general statement of the invention as set forth in 37 CFR 1.73. The summary is separate and distinct from the abstract and is directed toward the invention rather than the disclosure as a whole. The summary may point out the advantages of the invention or how it solves problems previously existent in the prior art (and preferably indicated in the Background of the Invention). In chemical cases it should point out in general terms the utility of the invention. If possible, the nature and gist of the invention or the inventive concept should be set forth. Objects of the invention should be treated briefly and only to the extent that they contribute to an understanding of the invention.

(h) **Brief Description of the Several Views of the Drawing(s):** See MPEP § 608.01(f). A reference to and brief description of the drawing(s) as set forth in 37 CFR 1.74.

(i) **Detailed Description of the Invention:** See MPEP § 608.01(g). A description of the preferred embodiment(s) of the invention as required in 37 CFR 1.71. The description should be as short and specific as is necessary to describe the invention adequately and accurately. Where elements or groups of elements, compounds, and processes, which are conventional and generally widely known in the field of the invention described and their exact nature or type is not necessary for an understanding and use of the invention by a person skilled in the art, they should not be described in detail. However, where particularly complicated subject matter is involved or where the elements, compounds, or processes may not be commonly or widely known in the field, the specification should refer to another patent or readily available publication which adequately describes the subject matter.

(j) **Claim or Claims:** See 37 CFR 1.75 and MPEP § 608.01(m). The claim or claims must commence on separate sheet or electronic page (37 CFR 1.52(b)(3)). Where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation. There may be plural indentations to further segregate subcombinations or related steps. See 37 CFR 1.75 and MPEP § 608.01(i)-(p).

(k) **Abstract of the Disclosure:** See MPEP § 608.01(f). A brief narrative of the disclosure as a whole in a single paragraph of 150 words or less commencing on a separate sheet following the claims. In an international application which has entered the national stage (37 CFR 1.491(b)), the applicant need not submit an abstract commencing on a separate sheet if an abstract was published with the international application under PCT Article 21. The abstract that appears on the cover page of the pamphlet

published by the International Bureau (IB) of the World Intellectual Property Organization (WIPO) is the abstract that will be used by the USPTO. See MPEP § 1893.03(e).

(I) Sequence Listing. See 37 CFR 1.821-1.825 and MPEP §§ 2421-2431. The requirement for a sequence listing applies to all sequences disclosed in a given application, whether the sequences are claimed or not. See MPEP § 2421.02.

**13. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID E. HARVEY whose telephone number is (571) 272-7345. The examiner can normally be reached on M-F from 6:00AM to 3PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Marsha D. Banks-Harold, can be reached on (571) 272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/DAVID E HARVEY/

Primary Examiner, Art Unit 2621

DAVID E HARVEY  
Primary Examiner  
Art Unit 2621

02-23-2009

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<b>Index of Claims</b>		Application/Control No.	
		10680830	
		Examiner	Art Unit
		DAVID E HARVEY	2621

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

<input type="checkbox"/> Claims renumbered in the same order as presented by applicant		<input type="checkbox"/> CPA	<input type="checkbox"/> T.D.	<input type="checkbox"/> R.1.47
CLAIM		DATE		
Final	Original	10/10/2008	02/17/2009	
	1	✓	✓	

02-23-2009

BIB

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Page 1 of 1

## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

## BIB DATA SHEET

CONFIRMATION NO. 5367

SERIAL NUMBER	FILING or 371(c) DATE RULE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.
10/680,830		369	2621	

## APPLICANTS

Timothy Raymond Cronin, Portage, WI;

## \*\* CONTINUING DATA \*\*\*\*\*

## \*\* FOREIGN APPLICATIONS \*\*\*\*\*

\*\* IF REQUIRED, FOREIGN FILING LICENSE GRANTED \*\*\* SMALL ENTITY \*\*  
12/21/2005

Foreign Priority claimed	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Met after Allowance	STATE OR COUNTRY	SHEETS DRAWINGS	TOTAL CLAIMS	INDEPENDENT CLAIMS
35 USC 119(a-d) conditions met	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		WI	0	1	1

## ADDRESS

Timothy Raymond Cronin  
 P.O. Box 291  
 Portage, WI 53901  
 UNITED STATES

## TITLE

Certified protection from subliminal content for recordings

FILING FEE RECEIVED 450	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:	<input type="checkbox"/> All Fees
		<input type="checkbox"/> 1.16 Fees (Filing)
		<input type="checkbox"/> 1.17 Fees (Processing Ext. of time)
		<input type="checkbox"/> 1.18 Fees (Issue)
		<input type="checkbox"/> Other _____
		<input type="checkbox"/> Credit

02-23-2009

SRFW

8

<b>Search Notes</b>	<b>Application/Control No.</b>	<b>Applicant(s)/Patent Under Reexamination</b>
	10680830	CRONIN, TIMOTHY RAYMOND
	<b>Examiner</b>	<b>Art Unit</b>
	DAVID E HARVEY	2621

**SEARCHED**

<b>Class</b>	<b>Subclass</b>	<b>Date</b>	<b>Examiner</b>
	updated	2/17/2009	dh

**SEARCH NOTES**

<b>Search Notes</b>	<b>Date</b>	<b>Examiner</b>
EAST (updated)	2/17/2009	DH

**INTERFERENCE SEARCH**

<b>Class</b>	<b>Subclass</b>	<b>Date</b>	<b>Examiner</b>

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11-04-2008

A...

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JFW



P.O. Box 291  
Portage, WI 53901  
October 27, 2008

DAVID E. HARVEY  
Primary Examiner  
Art Unit 2621  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

re: U.S. APPLICATION NUMBER: 10/680830  
FILING DATE: 07OCT03  
NAME OF APPLICANT: Timothy Raymond Cronin  
TITLE OF INVENTION: Certified protection from subliminal  
content for recordings.

Dear Examiner Harvey:

Thank you for examining my patent application. The Office Action Summary indicates that this action is non-final — Therefore I request reconsideration of my patent application. I've read the Office communication you've sent with the Office Action Summary, and below I will try to address the reasons you've given for rejection of my patent application's claim.

Below I refer to the numbered items in your Office communication. Items 3, 5, 7, 9, 10, and 11 appear to be either informational or do not pose explicit rejection reasons. However regarding item 10 (f) (1): I used the USPTO publication A Guide to Filing a Utility Patent Application as a guide to writing my patent application. And on p.5 under "BACKGROUND OF THE INVENTION" it states "This section may also include a paraphrasing of the..."Field of Invention."

I wasn't sure which U.S. patent Classification Definition would apply to my invention, so didn't include that since it was optional. The Public Information Services "Information Contacts" October 2003 booklet which I have shows that Art Unit 2621 is under Patent Technology Center: Image Analysis, Fax.

Regarding item 10 (f) (2): I do not intend to amend my patent application, but please see Appendices A & B of this letter.

re: 1, A): My patent application's method sidesteps a whole class of technical problems by making possible the availability of subliminal-free recordings to those who would like to purchase them.

re: 1, B): Jandel's patent isn't about subliminal-free copies of recordings, but subliminal-contaminated or potentially subliminal-contaminated ones. And the detection of that contamination via an electronic sensor system. Jandel's method wouldn't protect an observer of subliminal-contaminated recordings from exposure to subliminals, even if the alarm sounded. And Jandel not without reason seems implicitly to presuppose that all subliminally transmitted information would be harmful to an observer of that information, which might not be true in all cases. However protection may, also, refer to control of information an observer receives, which is the principal reason my patent application uses the concept "protection from."

re: 1, C): Subliminals are never undetectable — Subliminals are by definition detectable by their human observers, although unconsciously. And as such could conceivably be sorted from their host information, perhaps by using sensors that were homologous to the sensory capabilities of human beings. Jandel's approach to the problem of subliminal contaminated recordings seeks to identify the presence of subliminal content in video recordings. This method if brought to market could be attractive to individual consumers, and to the recording industry for quality control checking. But unlike Jandel's approach, my patent application's claim involves a method of making completely subliminal-free copies available for sale to for example the mass market.

re: 2, A): Certification is the record of verification. The American Heritage Dictionary of the English Language gives these definitions: "certify 1.a. To confirm formally as true, accurate, or genuine; testify to or vouch for in writing. 1.b. To guarantee as meeting a standard; attest." And "verify 1. To prove the truth of by presentation of evidence or testimony; substantiate. 2. To determine or test the truth or accuracy of, as by comparison, investigation, or reference." (See Appendix A: especially Cora Daniels' and Scott Gottlieb's articles).

re: 2, A) & B) and 6 A) & B): The nature of the certification process is not part of my patent application's claim. Certification is widely used in commerce everyday to allow transactions to proceed for matters great and mundane. For example, a store manager signs off on a certificate to verify that a vendor's representative came to the store and filled that vendor's product at a given time or on a certain day. Certification usually means that a paper trail

or its modern equivalent exists leading to someone responsible having signed off on the verity of something.

Certification as it relates to my patent application's claim is part of a method to ensure preservation of the subliminal-free nature of the information on the copies being produced for sale. The absence of subliminals in the master recordings would be preserved in the copies made in such a way so as those copies were kept free of additional information. This absence would conceivably allow these copies if checked to be found to be free of subliminals. And consequently verifiably so.

However, the mass consumer would not be expected to be able to perform such checks, which would in effect be quality control checks. The mass consumer would be relying instead on the certification process and finally upon the reputation of the manufacturers. Otherwise who's guarding the guards. In other words, certifying that recordings are subliminal-free puts a stop to potentially endless checking and double checking, and ultimately destructive testing. In part by avoiding that pitfall, my patent application's method makes the sale of subliminal-free recordings possible.

re: 2, D) & 6, B): While it may be impossible to absolutely verify the absence of something in someone else's work output, one can certify specific limits for a set of information that was originated by its owner (as you note Mori et al. implied was possible. The improvement to video editing equipment which Mori et al.'s invention seems largely to be directed to could be applied to home video recording environments as you've described). Either by the owner originating that information, or by that owner somehow knowing that the original information was subliminal-free.

How an owner could verify as subliminal-free information which that owner did not originate, but wanted to put into masters is not part of my patent application's claim. And, more generally, how those masters came to be subliminal-free, also, is not part of my patent application's claim. But my patent application's claim uses verification as part of the method to obtain subliminal-free recordings for sale.

re: 2, B): And self-origination of content for master copies logically suggests that a verification step is possible. Owning information (e.g. music or images) implies knowing what that information is. The owner of information which is intended to be recorded for sale, by not adding subliminals to that information; is, thus, able to verify the absence of subliminals in that information.

re: 2, C): In item # 0003 of my patent application's Specification, the "Brief Summary of the Invention" explains my

discovery. That is "Certified verifiably subliminal-free audio and video recordings...offered for sale...." In brief, that is the whole thing — That's the method.

The possibility of some sensor systems not detecting some subliminals as you mention in 1C of Page 2 of your Office Action Summary is precisely the kind of problem the method put forth by my patent application's claim would if implemented circumvent. Such implementation would free potential customers from doubt about the complete content of recordings which were offered for sale and which were so certified. This, since they would be verifiably certified as being subliminal-free.

In item #0006 of that same Specification, in the "Detailed Description of the invention" I express steps (although I didn't number them) which "I perceive...[would be] the best method for my invention to be implemented by the recording industry" to allow for certification that the recordings were subliminal-free. Those steps numbered below for the first time are not the invention nor are they the discovery of my patent application's claim. But they are inherent to it.

And they are a subset of possible implementation methods, and they are not exclusive of other means of implementing verification, certification, and getting the specified products to market in their intended form. Those steps leading to non-falsified certification (from item #0006) are:

- 1) "...verify the exact content of information which it [the recording industry] intends to make copies of."
- 2) "...protect that information so that no additions can be made to it."
- 3) "...securely control the production of recorded copies of that information: and to do so in a way that allows manufacturers of those recordings to certify that each copy would be verifiably free of any information which is not overtly and clearly specified as being part of the contents of each copy."

re: 4: My patent application's claim, which you refer to on Page 4 as "claim 1," is essentially about a manufacturing process improvement which will result in superior product quality, which improvement cannot be stolen.

The interests of the consumer, and the trade (including manufacturing and sales) which is based on those interests, and the protection of intellectual property rights may all be advanced by commercial sales of certified verifiably subliminal-free recordings. No one has ever pursued this approach as far as I can tell. A list of references in Appendices A & B (see) are I believe examples which show that. Industry and even governmental focus apparently has

not contemplated and is not contemplating my discovery's method. Nor the potential benefits of certified verifiably subliminal-free products on the recording industry. What has apparently exclusively been proposed, instead, regarding the issue of theft of intellectual property has been political fixes or technological fixes, alone or in combination. And wherein which the technological fixes have not seemed to envision the concept of incorporating product purity which was intrinsically irreproducible. To make certified verifiably subliminal-free copies, intellectual property thieves would have to identify themselves as thieves via the certification process to establish that their subliminal-free reproductions of the stolen information was truly subliminal-free.

Methods of securing the product during its manufacture and transport, and while it was being warehoused, and at points where it would be offered for sale, as well as quality control methodology are not the subjects of my patent application's claim. But such methods do exist such as Kodak's Traceless technology and technologies alluded to in a speech by Scott Gottlieb (see Appendix A).

My discovery which I hope to get patented would likely have been employed by now if it had been invented earlier. The recording industry's market conditions due to piracy and other forms of theft would, I believe, have driven its use. As would the vast size of the recording industry's market which would have legitimated its use even if only niche market sales were contemplated. Please see Appendix C for some examples of this.

re: 4 & 8: "Certified verifiably subliminal-free audio and video recordings..offered for sale..." may seem too obvious — But I've never seen or heard of such products for sale. Nor is it an attempt to create a so-called "troll." My discovery is directed to getting subliminal-free recordings to consumers who may wish to buy them and is a composition of ancient concepts which is new to the recording industry. And which comprises a method which if implemented by the recording industry would improve that industry's products for its own betterment and that of its customers.

Once implemented, my discovery's method would not impugn the content purity of recordings marketed without its implementation. But the superior product quality which cannot be stolen which if generated by the implementation of my discovery's method would obviate the need for political, legal, and other technical intellectual property protections at least within its intended markets. Large markets which could be expected to grow due to advertising, product familiarity, and word-of-mouth.

And since the recording industry markets are so huge (total CD sales in the U.S. may be in the \$400 - \$600 million/year range) certified verifiably subliminal-free recordings could account for substantial product movement, and of new industry which provides that product.

Not everything that can be verified as being subliminal-free will be subsequently certified as such. And even if certified as being verifiably subliminal-free will be offered for sale to the general public: there probably are manufacturers of recordings to which the certification trail would be anathema. So I believe Mori et al., does not anticipate my discovery since it implicitly anticipates only a subset of parts of the method which make up my patent application's claim. And which alone, though well known, are not the composition of concepts which together form a method new to the recording industry — One method which if implemented could defeat piracy in its intended market niche.

Examiner Harvey, there is one final issue which I ask you to consider: the shown filing date for my patent application on the cover sheet for the Office communication which you mailed to me in October 2008 might be wrong. In the summer of 2005, in response to a "Notice To File Missing Parts..." letter from the USPTO, I sent a revised Specification which included an expanded Abstract of the Disclosure. Would that submission change my original patent application date?

Please note that in October 2006 I responded timely to the Decision on Petition by the Office of Petitions (mailed to me October 18, 2006). In that response I asked for reconsideration of that decision. But only much later did I receive any communication from the USPTO. And that communication was a note attached to a refund check which stated "Due To Original Application Was Found." I took that to mean that my patent application of 10/07/2003 was found. I now realize that that may not have been a confirmation of my patent application's original filing date which is 10/07/2003: something I thought I had adequately proven to the USPTO with my communications to the USPTO which included a bank certified copy of the check used for the original filing fee, a copy of the post card sent in my original patent application, and a copy of the USPS "Express Mail" mailing label.

Thank you for your consideration of these requests.

Sincerely,



Timothy Raymond Cronin

## Appendix A

- \* Cora Daniels, "Kodak's Magic Marker," Fast Company, October 2008, pp.70-72.

"Kodak's Traceless technology addresses a problem that globalization is only going to make worse. "We're not going back to the days of one-room factories that companies can keep complete control over," says Ben Jones, a director of the Global Secure Summit, an annual brand-protection event." (p.70, col.3)

- \* Adam L. Penenberg, "Search and Co-Opt: PodZinger has a way out of the Web-video conundrum: Make piracy pay." Fast Company, May 2007, pp. 53-55.

"...PodZinger could force each and every YouTuber to watch a short commercial if they want to see the clip they asked for..." (p.54, col.2).

- \* Don Jeffrey Bloomberg, "Warner Music, YouTube cut music-video deal," USA Today, 19 September 2006, p.3B, cols. 1-4.

"...will use a content-identification and royalty-reporting system..." (col.3).

- \* Scott Gottlieb, "Ensuring the Safety of America's Drug Supply: Stopping Counterfeit Drugs," Vital Speeches of the Day, 72 (October 15, 2005), 16-19.

"...replacing the paperwork that now certifies the integrity of a pill with an electronic track and trace system that cannot be easily forged or forgotten....There's been considerable progress made in developing and deploying these sorts of technological tools...paper pedigrees...would not provide the same kinds of protections to electronic pedigrees, which would." (p.17, col.1)

- \* John R. Quain, "Putting A Lock On CDs: New antipiracy software affects listening options," U.S. News & World Report, 1 August 2005, p.66.

"...the idea is not to absolutely stop all copying — an impossible goal — but to create a "speed bump" that discourages people from making copies....Those speed bumps may prove to be a stop sign for one important group: the owners of more than 20 million iPods, which are incompatible with the antipiracy software. Already in love with just buying single songs at iTunes, they'll have one more reason to tune out CDs." (p.66, col.3)

11-04-2008

APPENDIX

11a

Appendix B

- \* Jeff Zucker, "Intellectual Property Protection as the Cornerstone of Economic Growth," Vital Speeches of the Day, 73, No.12 (December 2007), 527-530.

"dangerous drift toward...commerce hopelessly polluted by counterfeit and pirated goods" (p.527, col.2)
- \* Ed Treleven, "Cracking Down on Music Theft: Recording industry gets very aggressive," Wisconsin State Journal, 4 February 2007, pp. A1 & A4-A5.

"The rate of growth in music file sharing is nothing like what it was three or four years ago," Garland said... The number of illegally downloaded music files...continues to far outstrip the number of legally purchased downloads from services like Apple's iTunes." (p.A5, col.4)
- \* David H. Freedman, "Relax. Let your guard down: Why patents, trademarks, and other intellectual property protections are bad -- that's right, bad -- for business," Inc. Magazine, August 2006, pp.109-111.

"...of course, there are some situations in which IP aggressiveness may be reasonable and even essential...." Perhaps the blockbuster movie business, where piracy makes it more difficult to recoup the \$150 million or so needed to go into the black on big-budget films." (p.111, cols.1 & 2)
- \* Ted C. Fishman, "America's Most Innovative Industries are being Robbed Every Day on the Floors of Chinese Factories: Here's How to Make It Stop," Inc. Magazine, June 2006, pp.99-102.

"A new regime that certified imported goods as "IP Compliant," and restricted goods that were not compliant, would have dramatic effects." (p.102, col.2)
- \* Richard D. Parsons, "Driving Success in the Digital Age: Technology and Globalization," Vital Speeches of the Day, 72, No.6 (January 1, 2006), 174-177.

"...copies can be made perfectly...rendered perfectly..." (p.176, col.2)

## Appendix B (continued)

\* Rob Simmons, ""Gung Ho": United States Relationship with China," Vital Speeches of the Day, 72 (December 1, 2005), 126-128.

"How do we deal with counterfeit products and intellectual property rights?" (p.127, col.2)

"...I think we are dedicated to the idea of working together." (p.128, col.2)

\* Ronald Berenbeim, "Present at the Creation: Inventing Business Ethics," Vital Speeches of the Day, 72 (October 15, 2005), 22-24.

"...You will agree that...[globalization] is unlikely to achieve its full promise without the harmonization of laws and regulations with respect to many aspects of business practice..." (p.23, col.1)

## Appendix C

- \* Ellen McGirt, "myspace, the sequel!," Fast Company, September 2008, pp.92-102.

"...digital downloads accounted for only 10% of music sold last year, according to In-Stat..." (p.102, col.1)

- \* David LeGesse, "Blu-Ray Wins a Battle in the High-Def War," U.S.News & World Report, July 2/July 9, 2007, p.56.

"The DVD is a profit engine with yearly sales of more than \$16 billion, but it's beginning to sputter; growth has fallen to the low single digits from double digits a few years ago." (p.32, col.2)

- \* Bob Wright, "A Time of Reckoning," Vital Speeches of the Day, 72 (November 2006), 723-727.

"Motion picture piracy results in total lost output among all U.S. industries of \$20.5 billion annually." (p.724, col.2)

- \* With Ilana Ozernoy and the Associated Press, "Memoirs of a Controversy," U.S.News & World Report, 13 February 2006, p.19.

"...pirated DVDs already are on the streets of China's cities for 20 yuan, or \$2.50."

- \* Betsy Streisand, "Video On The Go," U.S.News & World Report, 20 February 2006, pp.50-52.

"...[television show] DVD...sales could plummet if viewers decide to download episodes instead. Moreover, providers...have to share a part of the download fee with the deliverer...With DVDs, the bulk of the profit goes straight to the studio." (p.52, col.1)

- \* Richard J. Newman, "The Rise of a New Power: A Communist Economic Juggernaut Emerges to Challenge the West," U.S.News & World Report, 20 June 2005, pp.40-51.

"...stealing of intellectual property is a problem that's getting worse, not better, according to a recent report by the American Chamber of Commerce in Shanghai..." (p.47, col.3)

11-04-2008

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PTO/SB/06 (07-06)

Approved for use through 1/31/2007. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875				Application or Docket Number 10/680,830	Filing Date 08/12/2005	<input type="checkbox"/> To be Mailed		
APPLICATION AS FILED – PART I								
(Column 1)			(Column 2)		OTHER THAN SMALL ENTITY <input checked="" type="checkbox"/> OR SMALL ENTITY			
FOR	NUMBER FILED	NUMBER EXTRA	RATE (\$)	Fee (\$)	RATE (\$)	Fee (\$)		
<input checked="" type="checkbox"/> BASIC FEE (37 CFR 1.16(e), (b), or (c))	N/A	N/A	N/A	<b>150</b>	N/A			
<input type="checkbox"/> SEARCH FEE (37 CFR 1.16(k), (l), or (m))	N/A	N/A	N/A		N/A			
<input type="checkbox"/> EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A		N/A			
TOTAL CLAIMS (37 CFR 1.16(l))	minus 20 =	*	X \$ =		X \$ =			
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X \$ =		X \$ =			
<input type="checkbox"/> APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).							
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))								
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL	<b>150</b>	TOTAL			
APPLICATION AS AMENDED – PART II								
(Column 1)			(Column 2)		(Column 3)			
AMENDMENT  11/04/2008	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	SMALL ENTITY	OTHER THAN SMALL ENTITY		
	Total (37 CFR 1.16(l))	* 1	Minus	** 20	= 0	RATE (\$)	ADDITIONAL FEE (\$)	
	Independent (37 CFR 1.16(h))	* 1	Minus	***3	= 0	X \$26 =	0	
	<input type="checkbox"/> Application Size Fee (37 CFR 1.16(s))			X \$110 =	0	OR	X \$ =	
	<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							
						OR		
(Column 1)			(Column 2)		(Column 3)			
AMENDMENT	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	RATE (\$)	ADDITIONAL FEE (\$)
	Total (37 CFR 1.16(l))	* 1	Minus	** 20	= 0	X \$ =		X \$ =
	Independent (37 CFR 1.16(h))	* 1	Minus	***3	= 0	X \$ =		X \$ =
	<input type="checkbox"/> Application Size Fee (37 CFR 1.16(s))							
	<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							
						OR		

\* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.

\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".

\*\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Legal Instrument Examiner:  
/GLORIA TRAMMELL/

10-14-2008  
CTNF

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/680,830	08/12/2005	Timothy Raymond Cronin		5367
7590	10/14/2008		EXAMINER	
Timothy Raymond Cronin P.O. Box 291 Portage, WI 53901			HARVEY, DAVID E	
		ART UNIT	PAPER NUMBER	
		2621		
			MAIL DATE	DELIVERY MODE
			10/14/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/680,830	CRONIN, TIMOTHY RAYMOND	
	<b>Examiner</b>	<b>Art Unit</b>	
	DAVID E. HARVEY	2621	

**– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –**

## A SHORTENED

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed

- Extensions of time may be available under the provisions of 37 CFR 1.130(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 19 June 2008.

2a)  This action is FINAL.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1 is/are pending in the application.  
4a) Of the above claim(s)        is/are withdrawn from consideration.  
5)  Claim(s)        is/are allowed.  
6)  Claim(s) 1 is/are rejected.  
7)  Claim(s)        is/are objected to.  
8)  Claim(s)        are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_ .  
5)  Notice of Informal Patent Application  
6)  Other: \_\_\_\_.

1. The showing of Jandel (U.S. Patent #6,122,322):

A) Jandel has been cited because it evidences that it was known to be desirable to protect an observer from subliminal messages present in video, still image, and audio media:

"The protection of an observer from such messages is more difficult to achieve in modern types of communications, such as Internet and videotelephony, for instance. Subliminal messages can be hidden not only in a video sequence, but also in still images, or what the observer considers to be still images, and also audio sequences" [Note lines 32-37 of column 1].

B) In an attempt to provide an observer with such desired "protection", Jandel discloses a system that comprises:

- 1) Circuitry for detecting a specific type of subliminal messaging in a received video sequence; and
- 2) Generating and alarm warning the observer as to the detection of said specific type of subliminal messaging in the received video sequence.

Here it is noted that the system's lack of detection of this specific type of subliminal messaging in the received video sequence, inherently "verifies" that the video sequence is **free of said detectable type of subliminal messaging**.

C) The examiner notes that despite the fact that Jandel recognized the desire to protect the observer from various other forms of subliminal messages, e.g., such as subliminal messages in audio sequences (note part "A" of this paragraph), the invention disclosed by Jandel only detects/protects the observer from a specific type of message in video sequences. While not explicitly stated in Jandel, the examiner maintains that this is because subliminal messages are, by definition, messages that are intended to be undetectable (i.e., and the majority of subliminal messages are just that – undetectable).

**2. The instant invention:**

As noted in part "C" of paragraph 1 above, it is maintained that most conventional forms of subliminal messaging are, by definition, undetectable. Given the undetectable nature of most forms of conventional forms of subliminal messaging, a question arises as to the meaning of the expression "***certified verifiable subliminal free ... recordings***" recited in the instant claim of the instant application. That is, if subliminal messages are undetectable, then how can the invention "certify"/"verify" content to be free of subliminal messages - i.e., how can the invention certify/verify recorded media to be free of content that cannot be detected? The following is noted:

- A) The examiner maintains that it is unclear from the instant disclosure how and/or by what means/process the recited recording are "certified" to be "subliminal-free" in a way that is "verifiable";
- B) To the extent that the invention is understood, as disclosed and explained (note the communication of 6/19/2008), it appears that the invention pertains to a method/process in which audio/visual recording are produced in a "secure production environment", thereby enabling the "manufacturer" of the recordings to "***certify***" (i.e., in some unspecified manner") that the recording, and copies thereof, are free of subliminal messages [note lines 1-7 of paragraph 0004 of the instant specification]. The disclosure/claim further suggest that this unspecified "certification" is somehow "verifiable", however, the instant disclosure fails to describe how such verification is accomplished and/or is possible; i.e., again given the fact that such messages are, by definition, undetectable;
- C) It is noted that, contrary to applicant's arguments submitted 6/19/2008), the instant claim of the instant application fails to set forth a "method" of producing the recited recordings in that it fails to positively set forth "steps" for performing a method as required of a method claim. Claim 1 of cited U.S. Patent #6,122,322 to Jandel is hereby cited as being illustrative of the required format of a method claim;
- D) Additionally, given the above, it is the examiner's position that to the extent that it is understood, the disclosed/claim invention encompasses the notoriously well known process by which home users conventionally produced/"manufactured" home videos using conventional video cameras and home editing/dubbing units. Namely, conventional home videos, and copies produced therefrom, were conventionally produced in a "secure" home/user environment in which the user (i.e., the "manufacturer" of the home video and copies thereof) was able to certify/verify that the home video recordings and copies thereof, including video and audio recording content, were in fact free of subliminal messages.

**3. 35 U.S.C. 101 reads as follows:**

**Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.**

**4. The instant claim (hereafter "claim 1") is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The instant claim, as currently drafted, is directed to audio/visual "recordings" per se and, as such, fails to set forth a new and useful process, machine, manufacture, or composition of matter, as required under section 101.**

**5. The following is a quotation of the first paragraph of 35 U.S.C. 112:**

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

**6. Instant "claim 1" is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The following is noted:**

As addressed above in paragraph 2 of this Office action, it is unclear from the instant disclosure:

- A) How and/or by what means/process the recited recordings are "**certified**" as subliminal-free (i.e., how and by what means/process is such "certification" performed/accomplished/determined?; and
- B) How and/or by what mean/process this recited certification is verified and/or "verifiable"?

Clarification is required.

**7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:**

**A person shall be entitled to a patent unless –**

**(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.**

**8. "Claim 1" is rejected under 35 U.S.C. 102(b) as being anticipated by US Patent #5,526,125 to Mori et al.**

As is shown in Figure 1, Mori illustrates an audio/visual production system for producing/"manufacturing" (@ 1) audio/visual recordings and (@ 2) copies thereof in a "secure" user/home environment. As such, the user is implicitly capable of certifying/verifying that the master audio/visual recordings produced thereby (@1), and produced audio/visual recording copies thereof (@2), are free of subliminal messages.

9. An examination of this application reveals that applicant is unfamiliar with patent prosecution procedure. While an inventor may prosecute the application, lack of skill in this field usually acts as a liability in affording the maximum protection for the invention disclosed. Applicant is advised to secure the services of a registered patent attorney or agent to prosecute the application, since the value of a patent is largely dependent upon skilled preparation and prosecution. The Office cannot aid in selecting an attorney or agent.

A listing of registered patent attorneys and agents is available on the USPTO Internet web site <http://www.uspto.gov> in the Site Index under "Attorney and Agent Roster." Applicants may also obtain a list of registered patent attorneys and agents located in their area by writing to the Mail Stop OED, Director of the U. S. Patent and Trademark Office, PO Box 1450, Alexandria, VA 22313-1450

**10. Content of Specification**

- (a) Title of the Invention: See 37 CFR 1.72(a) and MPEP § 606. The title of the invention should be placed at the top of the first page of the specification unless the title is provided in an application data sheet. The title of the invention should be brief but technically accurate and descriptive, preferably from two to seven words may not contain more than 500 characters.
- (b) Cross-References to Related Applications: See 37 CFR 1.78 and MPEP § 201.11.
- (c) Statement Regarding Federally Sponsored Research and Development: See MPEP § 310.
- (d) The Names Of The Parties To A Joint Research Agreement: See 37 CFR 1.71(g).
- (e) Incorporation-By-Reference Of Material Submitted On a Compact Disc: The specification is required to include an incorporation-by-reference of electronic documents that are to become part of the permanent United States Patent and Trademark Office records in the file of a patent application. See 37 CFR 1.52(e) and MPEP § 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text were permitted as electronic documents on compact discs beginning on September 8, 2000.
- (f) Background of the Invention: See MPEP § 608.01(c). The specification should set forth the Background of the Invention in two parts:
  - (1) Field of the Invention: A statement of the field of art to which the invention pertains. This statement may include a paraphrasing of the applicable U.S. patent classification definitions of the subject matter of the claimed invention. This item may also be titled "Technical Field."
  - (2) Description of the Related Art including information disclosed under 37 CFR 1.97 and 37 CFR 1.98: A description of the related art known to the applicant and including, if applicable, references to specific related art and problems involved in the prior art which are solved by the applicant's invention. This item may also be titled "Background Art."

(g) Brief Summary of the Invention: See MPEP § 608.01(d). A brief summary or general statement of the invention as set forth in 37 CFR 1.73. The summary is separate and distinct from the abstract and is directed toward the invention rather than the disclosure as a whole. The summary may point out the advantages of the invention or how it solves problems previously existent in the prior art (and preferably indicated in the Background of the Invention). In chemical cases it should point out in general terms the utility of the invention. If possible, the nature and gist of the invention or the inventive concept should be set forth. Objects of the invention should be treated briefly and only to the extent that they contribute to an understanding of the invention.

(h) Brief Description of the Several Views of the Drawing(s): See MPEP § 608.01(f). A reference to and brief description of the drawing(s) as set forth in 37 CFR 1.74.

(i) Detailed Description of the Invention: See MPEP § 608.01(g). A description of the preferred embodiment(s) of the invention as required in 37 CFR 1.71. The description should be as short and specific as is necessary to describe the invention adequately and accurately. Where elements or groups of elements, compounds, and processes, which are conventional and generally widely known in the field of the invention described and their exact nature or type is not necessary for an understanding and use of the invention by a person skilled in the art, they should not be described in detail. However, where particularly complicated subject matter is involved or where the elements, compounds, or processes may not be commonly or widely known in the field, the specification should refer to another patent or readily available publication which adequately describes the subject matter.

(j) Claim or Claims: See 37 CFR 1.75 and MPEP § 608.01(m). The claim or claims must commence on separate sheet or electronic page (37 CFR 1.52(b)(3)). Where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation. There may be plural indentations to further segregate subcombinations or related steps. See 37 CFR 1.75 and MPEP § 608.01(i)-(p).

(k) Abstract of the Disclosure: See MPEP § 608.01(f). A brief narrative of the disclosure as a whole in a single paragraph of 150 words or less commencing on a separate sheet following the claims. In an international application which has entered the national stage (37 CFR 1.491(b)), the applicant need not submit an abstract

commencing on a separate sheet if an abstract was published with the international application under PCT Article 21. The abstract that appears on the cover page of the pamphlet published by the International Bureau (IB) of the World Intellectual Property Organization (WIPO) is the abstract that will be used by the USPTO. See MPEP § 1893.03(e).

- (I) Sequence Listing. See 37 CFR 1.821-1.825 and MPEP §§ 2421-2431. The requirement for a sequence listing applies to all sequences disclosed in a given application, whether the sequences are claimed or not. See MPEP § 2421.02.

**11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID E. HARVEY whose telephone number is (571) 272-7345. The examiner can normally be reached on M-F from 7 AM to 3:30 PM.**

**If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller, can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.**

**Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).**

**/DAVID E HARVEY/  
Primary Examiner, Art Unit 2621**

**DAVID E HARVEY  
Primary Examiner  
Art Unit 2621**

10-14-2008

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<b>Notice of References Cited</b>			Application/Control No.	Applicant(s)/Patent Under Reexamination	
			10/680,830	CRONIN, TIMOTHY RAYMOND	
Examiner			DAVID E. HARVEY	Art Unit 2621	Page 1 of 1

**U.S. PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-6,122,322	09-2000	Jandel, Magnus	375/240.13
*	B	US-5,526,125	06-1996	Mori et al.	386/52
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

**FOREIGN PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

**NON-PATENT DOCUMENTS**

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

10-14-2008  
FWCLM

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<b>Index of Claims</b>		Application/Control No.	Applicant(s)/Patent Under Reexamination
		10680830	CRONIN, TIMOTHY RAYMOND
		Examiner	Art Unit
		DAVID E HARVEY	2621

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	+	Restricted	I	Interference	O	Objected

Claims renumbered in the same order as presented by applicant  CPA  T.D.  R.1.47

CLAIM		DATE						
Final	Original	10/10/2008						
	1	✓						

10-14-2008  
SRFW

17

<b>Search Notes</b>	<b>Application/Control No.</b>	<b>Applicant(s)/Patent Under Reexamination</b>
	10680830	CRONIN, TIMOTHY RAYMOND
	<b>Examiner</b>	<b>Art Unit</b>
	DAVID E HARVEY	2621

**SEARCHED**

<b>Class</b>	<b>Subclass</b>	<b>Date</b>	<b>Examiner</b>
386	83,95	10/10/2008	dh

**SEARCH NOTES**

<b>Search Notes</b>	<b>Date</b>	<b>Examiner</b>
EAST (see attached search history)	10/10/2008	DH
Inventor Data	10/10/2008	dh
Related applications (N/A)	10/1/2008	dh
Foreign/priority data	10/1/2008	dh

**INTERFERENCE SEARCH**

<b>Class</b>	<b>Subclass</b>	<b>Date</b>	<b>Examiner</b>

--	--

10-14-2008

BIB

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Page 1 of 1



## UNITED STATES PATENT AND TRADEMARK OFFICE

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 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

## BIB DATA SHEET

CONFIRMATION NO. 5367

SERIAL NUMBER	FILING or 371(c) DATE RULE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.
10/680,830		369	2621	

## APPLICANTS

Timothy Raymond Cronin, Portage, WI;

## \*\* CONTINUING DATA \*\*\*\*\*

## \*\* FOREIGN APPLICATIONS \*\*\*\*\*

\*\* IF REQUIRED, FOREIGN FILING LICENSE GRANTED \*\* \*\* SMALL ENTITY \*\*  
12/21/2005

Foreign Priority claimed	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Met after Allowance	STATE OR COUNTRY	SHEETS DRAWINGS	TOTAL CLAIMS	INDEPENDENT CLAIMS
35 USC 119(a-d) conditions met	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		WI	0	1	1

## ADDRESS

Timothy Raymond Cronin  
 P.O. Box 291  
 Portage, WI 53901  
 UNITED STATES

## TITLE

Certified protection from subliminal content for recordings

FILING FEE RECEIVED 450	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:	<input type="checkbox"/> All Fees
		<input type="checkbox"/> 1.16 Fees (Filing)
		<input type="checkbox"/> 1.17 Fees (Processing Ext. of time)
		<input type="checkbox"/> 1.18 Fees (Issue)
		<input type="checkbox"/> Other _____
		<input type="checkbox"/> Credit

10-14-2008

SRNT

19a

## EAST Search History

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L1	27	h04n\$.ipc. and edit\$.ti. and dubbing and (video near camera)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2008/10/10 09:52
S1	0	H04n\$.ipc. and (record\$3.ti.) and (verif\$6 same true same copy same compar\$4)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2008/10/03 09:19
S2	0	H04n\$.ipc. and (record\$3.ti.) and (verif\$6 same true same copy)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2008/10/03 09:19
S3	5	H04n\$.ipc. and (verif\$6 same true same copy)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2008/10/03 09:20
S4	3	subliminal and (verif\$6 same true same copy)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2008/10/03 09:26
S5	8	subliminal near free	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2008/10/03 09:28
S6	115	subliminal and h04n\$.ipc.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2008/10/03 09:32
S7	0	audio same (detect\$4 near subliminal)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2008/10/03 10:08
S8	0	(audio or sound) same (eliminat\$4 near subliminal)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2008/10/03 10:09
S9	1	(audio or sound) same (warn\$4 near subliminal)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2008/10/03 10:10

S10	13	(detect\$4 near subliminal)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2008/10/03 10:11
S11	21	(free same subliminal)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2008/10/03 10:25
S12	59	(music or song) same subliminal	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2008/10/03 13:37
S13	1	download\$ same (song or music) same subliminal	USPAT	OR	OFF	2008/10/03 13:54
S14	1	download\$ same (song or music) same subliminal	USPAT	OR	ON	2008/10/03 13:54
S15	27	(song or music) near5 subliminal	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2008/10/03 13:55
S16	0	subliminal same (audio same music same sound) same alarm	EPO; JPO; DERWENT	OR	OFF	2008/10/08 11:53
S17	0	subliminal same (audio same music same sound)	EPO; JPO; DERWENT	OR	OFF	2008/10/08 11:53
S18	41	subliminal same (audio or music or sound)	EPO; JPO; DERWENT	OR	OFF	2008/10/08 11:53
S19	2	subliminal same (audio or music or sound) same alarm	EPO; JPO; DERWENT	OR	OFF	2008/10/08 11:54
S20	0	subliminal same (audio or music or sound) same alert	EPO; JPO; DERWENT	OR	OFF	2008/10/08 11:55
S21	4	subliminal same (audio or music or sound) same detect\$	EPO; JPO; DERWENT	OR	OFF	2008/10/08 11:55

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S22	1	subliminal same (audio or music or sound) same warn \$3	EPO; JPO; DERWENT	OR	OFF	2008/10/08 11:57
S23	0	subliminal same (audio or music or sound) same alert \$3	EPO; JPO; DERWENT	OR	OFF	2008/10/08 11:57
S24	0	subliminal same (audio or music or sound) same notif \$6	EPO; JPO; DERWENT	OR	OFF	2008/10/08 11:57
S25	41	subliminal same (audio or music or sound)	EPO; JPO; DERWENT	OR	OFF	2008/10/08 11:58
S26	332	subliminal same (audio or music or sound)	US-PGPUB; USPAT; USOCR	OR	OFF	2008/10/08 12:10
S27	57	subliminal same (audio or music or sound) same (elimina\$4 or warn \$3 or alarm or notif\$7 or filter\$3)	US-PGPUB; USPAT; USOCR	OR	OFF	2008/10/08 12:11
S28	7	subliminal same (audio or music or sound) same (elimina\$4 or warn \$3 or alarm or notif\$7 or filter\$3)	EPO; JPO; DERWENT	OR	OFF	2008/10/08 12:19
S29	275	S26 not S27	US-PGPUB; USPAT; USOCR	OR	OFF	2008/10/08 12:20
S30	3	S29 and (detect\$4 near subliminal)	US-PGPUB; USPAT; USOCR	OR	OFF	2008/10/08 12:21
S31	8	("5099322"   "5642174"   "5644363"   "5719643"   "5751378"   "5801765"   "5929920"   "5969755").PN. OR ("6122322"). URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/10/08 12:26

10/10/2008 10:50:08 AM

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19/1

680830.1.wsp

06-19-2008

LET.

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J/TW



P.O. Box 291  
Portage, WI 53901  
June 14, 2008

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

re: U.S. APPLICATION NUMBER: 10/680830  
FILING DATE: 07OCT03  
NAME OF APPLICANT: Timothy Raymond Cronin  
TITLE OF INVENTION: Certified protection from subliminal content for recordings.

Dear Sirs:

Please vet my patent application: I still hope to be issued a patent with regard to that application. The last time I heard from the USPTO was on 21JUN07 when I received a refund check. See attached copy of NOTICE TO CHECK RECIPIENT. That NOTICE contained the hopeful note "ORIGINAL APPLICATION WAS FOUND."

I wrote a letter to the USPTO dated September 5, 2005 (I put the wrong filing date on that letter, but I contacted the USPTO later to correct that mistake). And in that letter, dated September 5, 2005, I asked the USPTO to fix problems which had arisen in the processing of my utility patent application.

When I wrote that letter I did not realize multi-year processing times were common. Consequently in that letter I requested recompense because of delays which I thought were unusual. Specifically I asked for the issuance fee to be waived if possible. But if that request will delay processing of my application, then please disregard that request. My goal for my application remains to obtain a patent as soon as possible.

Finally, toward the end of that letter, dated 05SEP05, (on page three) I used the figure of speech "idea which I'm trying to get patented." And on page four "patent granted for my idea."

Idea can mean "method." But using method alone seemed to require subsequent explanation. Essentially a reiteration verbatim of the BRIEF SUMMARY OF THE INVENTION from my application's Specification. Doing so would have been

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distracting, and would have made that letter verbose. I paused when writing the word idea (on p. 3) the first time, and tried to think of alternatives. For example "the thing which... patented" seemed to imply more a physical object than a method. And "that which I'm trying to get patented" seemed too vague. So since one obviously cannot patent an idea, my use of "idea" seemed self-evidently to be a safe figure of speech to use to keep the letter readable.

Then too, that figure of speech seemed to ring true on a level resonating with the concept of intellectual property. A sort of valid allegory since the essence of any invention is its information content innate for instance to a particular design. And information conceptually is relational. That is (again only for example) a design has meaning only in relation to a culture and; consequently, to one or more parts of that culture's inherent technologies.

I hope that this letter clears up the issues of recompense and my use of "idea" which may have been raised by my letter to the USPTO dated 05SEP05. And which might be impeding the processing of my patent application. Thank you for considering this matter.

Sincerely,

*Timothy Raymond Cronin*

Timothy Raymond Cronin



20

TREASURY-FINANCIAL MANAGEMENT SERVICE TFS FORM 3090(Rev.)

NOTICE TO CHECK RECIPIENT		VENDOR I.D.	
VENDOR NAME: <b>TIMOTHY RAYMOND CRONIN</b>		VENDOR I.D. NUMBER: <b>TIMOTHY RAYM</b>	
AGENCY NAME AND BILLING ADDRESS:	DEPARTMENT OF COMMERCE US PATENT AND TRADEMARK 2051 JAMIESON AVENUE ALEXANDRIA VA22314	U.S. TREASURY REG. FINANCIAL CENTER: CHECK NUMBER	AUSTIN, TEXAS 2221-80820323 \$*****180.00 06-18-07
		CHECK AMOUNT	CHECK DATE
			AGENCY SCHEDULE NUMBER
			<b>CC20070285</b>
		0	AGENCY TELEPHONE NUMBER
			<b>571-272-6500</b>

MAIL ROOM DATE: **10/20/2005**  
 NAME/NUMBER: **11203657**  
 AMOUNT REFUNDED: **180.00**  
 VER PAYMENT FOR A SERVICE  
 FILING FEES NOT NEEDED DUE TO ORIGINAL APPLICATION  
 WAS FOUND QUESTIONS RELATING TO REFUND CONTACT  
 CYNTHIA CHEREATER - 703 308 9010 EXT 178

PLEASE DIRECT ANY INQUIRIES CONCERNING THIS PAYMENT TO THE AGENCY AT THE ADDRESS (OR PHONE NUMBER) INDICATED ABOVE

AGENCY TELEPHONE NUMBER

11-02-2006

LET.

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1FW



P.O. Box 291  
Portage, WI 53901  
October 26, 2006

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

re: U.S. APPLICATION NUMBER: 10/680830

FILING DATE: 07OCT03

NAME OF APPLICANT: Timothy Raymond Cronin

TITLE OF INVENTION: Certified protection from subliminal  
content for recordings.

Dear Sirs:

I've enclosed an unsigned copy of my final draft of my original and only utility patent application. And I've enclosed a copy of the United States Postal Service (USPS) EXPRESS MAIL Post Office To Addressee (EXPRESS MAIL) Customer Copy from my mailing of that utility patent application, and a copy of the USPS sales slip showing the EXPRESS MAIL date on which I sent my utility patent application. Also, I've enclosed a copy of my post card which the USPTO sent back to me with the USPTO sticker on it. All of this, in response to DECISION ON PETITION (which was signed by Nancy Johnson, Senior Petitions Attorney, Office of Petitions) a copy of which was mailed to me on October 18, 2006. And which I received on 23OCT06.

When I made a copy of my original utility patent application for myself just before I sent that application to the USPTO it printed out a little crooked. Also, on that application I typed the EXPRESS MAIL number underneath the words "Express Mail" at the bottom of my Utility Patent Application Transmittal Letter. I later typed that EXPRESS MAIL number onto my copy for reference, but off to the lower right of that Transmittal Letter. I did not sign that copy. I only signed the application which I sent to the USPTO (on the Declaration page). So the copy I've enclosed is an unsigned copy with the exceptions noted above of my original and only utility patent application. And it is not a new application. I certify, however, that with the exceptions noted above it is a true copy of my utility patent application.

And I certify that the enclosed photocopies of the postcard with the USPTO sticker on it (the postcard receipt returned

to me by the USPTO) and the USPS receipt and the EXPRESS MAIL Customer Copy are true copies of the originals.

Please note that in 2005 I had to add missing parts (ABSTRACT OF THE DISCLOSURE and DECLARATION) to my utility patent application. Also, four letters sent to my by the USPTO, two in late 2005 and two in 2006, had the correct application number and filing date on them. I've enclosed true copies of those four letters' first pages. And, on 5/13/06 the USPTO web site (at the bottom of the page was:

[http://portal.uspto.gov/external/portal/?ut/p/\\_s.7\\_0\\_A/7\\_0\\_CH/.cmd/ad/.ar/sa.getBib/.c/6\\_0\\_6'... 5/13/06](http://portal.uspto.gov/external/portal/?ut/p/_s.7_0_A/7_0_CH/.cmd/ad/.ar/sa.getBib/.c/6_0_6'... 5/13/06) gave the Filing Date: 10-07-2003 for Application Number: 10/680,830 with me as the First Named Inventor. So I don't know what happened since then to evidence at the USPTO of my 2003 utility patent application.

Thank you for your consideration of this proof of entitlement to a filing date of October 7, 2003.

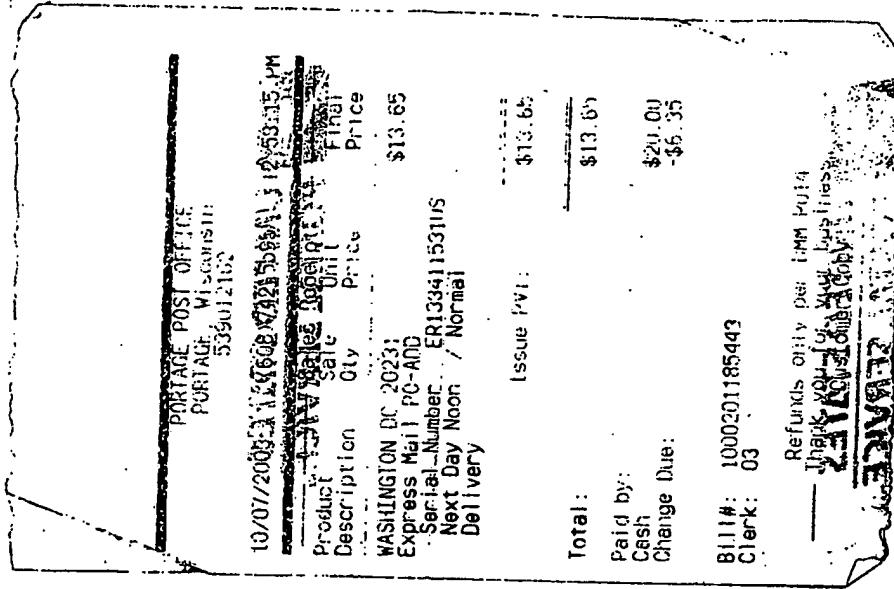
Sincerely,

*Timothy Raymond Cronin*

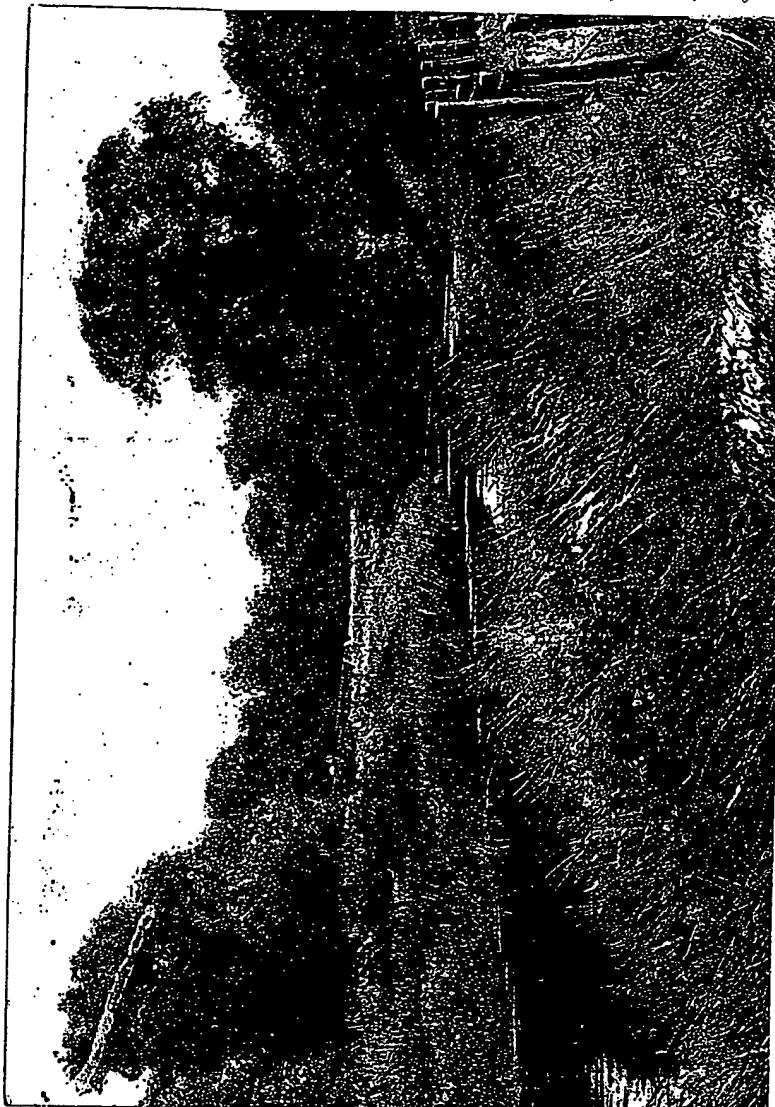
Timothy Raymond Cronin



 	
<b>TITLE OF INVENTION:</b> Certified Protection From Subliminal Content For Recordings	
<b>NAME OF INVENTOR:</b> <u>Timothy Cronin</u> <small>2-15-2002</small> <b>Utility Patent Application Transmittal Letter</b> <small>CC-17</small> (one page)	
Number of pages of Specification (excluding claims) equals four.	
Number of claims = 01 : Number of claim pages = 01.	
Declaration statement (one page)	
Fee Transmittal Information Page (one page)	
Amount of Payment: \$385.00 Method of Payment: check	
<b>to:</b> <u>TIM CROWN</u> <u>P.O. BOX - 291</u> <u>PORTAGE, WI</u> <u>53901</u>	
 	
<b>06815</b> <i>ImageCraft</i> <b>06815</b>	
<b>0 6815 03020 01521 2</b>	
	



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**Service Guarantee:** Express Mail International mailings are not covered by this service agreement. All other shipments are covered and guaranteed delivery on or before the date of shipment. The delivery date is the date of the earliest delivery attempt to the addressee. If the delivery employee is required to deliver the new address, the new address will be used to determine the delivery date. If the delivery employee is required to return the postage, unless: 1) delivery was attempted but could not be made; or the article was available to pickup at destination; 2) delivery attempt was delayed by strike, or work stoppage; or 3) detention was made for a law enforcement purpose.

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- The contents of Express Mail shipments defined by postal regulations as merchandise are insured against loss, damage, or rifling. Coverage up to \$500 per shipment is included at no additional charge. Additional merchandise insurance up to \$5,000 per shipment may be purchased for an additional fee; however, additional insurance is void if the addresser's signature is not present on the shipping label.
- Coverage extends to the actual value of the contents at the time of mailing or the cost of repair, up to exceed the limit fixed for the insurance coverage obtained.
- Items defined by postal regulations as "negociable items" (items that can be converted to cash without resort to forged currency, or bullion) are insured up to a maximum of \$15 per shipment.
- For International Express Mail shipment, insurance coverage may vary by country and may not be available to some countries. Indemnity is not paid for items containing coins, banknotes, currency notes (paper, honey, sugar), securities of any kind payable to the bearer, traveler's checks, platinum, gold, and silver manufactured or treated, precious stones, jewelry, and other valuable or prohibited articles.
- Items defined by postal regulations as nonnegotiable documents are insured against loss, damage, or rifling up to \$500 per shipment for document reconstruction, subject to additional limitations for multiple pieces lost or damaged in a single catastrophic occurrence. Document reconstruction insurance provides reimbursement for the reasonable costs incurred in reconstructing duplicates of nonnegotiable documents mailed. Document reconstruction insurance coverage is \$500 per shipment. No claim for damage, or rifling, or loss of a negotiable document insurance are void.
- No coverage is provided for consequential losses due to loss, damage, or rifling of Express Mail, or for concealed damage, or rifling of perishable items.

**COVERAGE, TERMS AND LIMITATIONS**  **Domestic Mail Manual**  **International Mail Manual**  **Express Mail**  **Domestic Mail**  **International Mail**  **Express Mail**  **Please consult Domestic Mail Manual and International Mail Manual for additional limitations and terms of coverage.**

**Claims:** Original customer receipt of the Express Mail label must be presented when filing a claim.

1. All claims for delay, loss, damage, or rifling must be made within 90 days of the date of mailing. The International Mail Manual (IMM) specifies a 120-day limit for filing claims for International Mail.
2. Claim forms may be obtained and filed at any post office.
3. To file a claim for damage, the article, container, and packaging must be presented to the post office. If the article, container, and packaging must be presented to the post office, the post office must be notified of the damage, and the post office must be given an opportunity to inspect the article, container, and packaging.



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## Utility Patent Application Transmittal Letter

Actual types of papers being filed:

Transmittal Letter  
Fee Transmittal Information Page (with check for the  
amount of Appropriate Fee)  
Specification  
Declaration

Applicant's name:

Timothy Raymond Cronin

Type of application:

nonprovisional utility patent

Title of the invention:

Certified protection from subliminal  
content for recordings.

Contents of the application:

Transmittal Letter (one page)  
Fee Transmittal Information Page (one page)  
Specification (five pages; including one Claim page)  
Declaration (one page)

Accompanying enclosure:

personal check for filing fee

USPS "Express Mail" mailing label number: ER 133411531 US

216

**Fee Transmittal Information Page**

**re: single claim nonprovisional utility patent application**

**note: Applicant claims small entity status.**

**Fee Code: 1001/2001**

**37 CFR: 1.16(a)**

**Basic filing fee - Utility (Small Entity): \$385.00**

**Method of Payment: check**



## Specification

### INTRODUCTION

Applicant name: Timothy Raymond Cronin

Citizenship of applicant: United States of America

Residence of applicant: Columbia County, Wisconsin, USA

Title of Invention: Certified Protection From

Subliminal Content For Recordings

### CROSS-REFERENCE TO RELATED APPLICATIONS

Not Applicable

### STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT

Not Applicable

### REFERENCE TO SEQUENCE LISTING, A TABLE, OR A COMPUTER PROGRAM LISTING COMPACT DISK APPENDIX

Not Applicable

### BACKGROUND OF THE INVENTION

0001) The sales of audio and video recordings have been declining due to theft of the information contained in those recordings. Theft which was enabled by widespread use of new technologies. My invention aims to increase the sales of audio and video recordings by adding a value to those recordings which cannot be easily copied

0002) I am not aware of a prior art of this type in

**Specification (contd.)**

the recording industry. Other sellers of consumer products, such as foods, soaps, and pharmaceuticals, have long used relative better purity as a selling point for their products.

**BRIEF SUMMARY OF THE INVENTION**

0003) Certified verifiably subliminal-free audio and video recordings. That is, recordings offered for sale which are certified to contain only that information which is not meant to pass unnoticed into the subconscious of a person or of persons listening to or viewing the recording. By offering such certified recordings for sale, the recording industry might increase sales of their products.

**BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING**

Not Applicable

**DETAILED DESCRIPTION OF THE INVENTION**

0004) Production of audio, or audio and video, or video recordings in a secure production environment and using verified subliminal-free master recordings in such a way as to make it possible for the manufacturer of copies of a recording or recordings to be able to certify that the recording or recordings so produced will be verifiably free of so-called subliminals. That is, free of information included in the recording or recordings which is not meant

**Specification (contd.)**

to be consciously perceptible by the average person who might listen to, listen to and view, or view the recording or recordings.

0005) This invention differs from other attempts to reduce theft of the intellectual property content of recordings. It does not do this by adding information in either the form of security features or extra-value content to copies of recordings. Nor does it do so by reducing the price of the recordings. But by certifying that copies' content is verifiably free of a specific class of information, inherent theft-resistant value is added to each copy.

0006) I perceive that the best method for my invention to be implemented by the recording industry would be for that industry to verify the exact content of information which it intends to make copies of. To protect that information so that no additions can be made to it. Then to securely control the production of recorded copies of that information: and to do so in a way that allows manufacturers of those recordings to certify that each copy would be verifiably free of any information which is not overtly and clearly specified as being part of the contents of each copy.

**Specification (contd.)****CLAIM**

0007) What I claim as my invention is:

**Certified verifiable subliminal-free**

**audio recordings,**

**recordings containing both audio and video content,**

**and visual recordings.**

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**Specification (contd.)**

**ABSTRACT OF THE DISCLOSURE**

**Not Applicable**

**DRAWINGS**

**Not Applicable**



21n

**Declaration**

re: This nonprovisional utility patent application

Name of Inventor:

Timothy Raymond Cronin  
(sole inventor of the invention claimed)

Inventor's Country of Citizenship:

United States of America

Inventor's City and State of Residence:

lives near Portage, Wisconsin

Inventor's Mailing (and Correspondence) Address:

P.O. Box 291  
Portage, WI 53901

Signature of actual Inventor: \_\_\_\_\_



# UNITED STATES PATENT AND TRADEMARK OFFICE

210  
UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/680,830	10/07/2003	Timothy Raymond Cronin	

Timothy Raymond Cronin  
P.O. Box 291  
Portage, WI 53901



CONFIRMATION NO. 5367



\*OC000000018580500\*

Title: Certified protection from subliminal content for recordings

Publication No. US-2006-0083117-A1  
Publication Date: 04/20/2006

## NOTICE OF PUBLICATION OF APPLICATION

The above-identified application will be electronically published as a patent application publication pursuant to 37 CFR 1.211, et seq. The patent application publication number and publication date are set forth above.

The publication may be accessed through the USPTO's publically available Searchable Databases via the Internet at [www.uspto.gov](http://www.uspto.gov). The direct link to access the publication is currently <http://www.uspto.gov/patft/>.

The publication process established by the Office does not provide for mailing a copy of the publication to applicant. A copy of the publication may be obtained from the Office upon payment of the appropriate fee set forth in 37 CFR 1.19(a)(1). Orders for copies of patent application publications are handled by the USPTO's Office of Public Records. The Office of Public Records can be reached by telephone at (703) 308-9726 or (800) 972-6382, by facsimile at (703) 305-8759, by mail addressed to the United States Patent and Trademark Office, Office of Public Records, Alexandria, VA 22313-1450 or via the Internet.

In addition, information on the status of the application, including the mailing date of Office actions and the dates of receipt of correspondence filed in the Office, may also be accessed via the Internet through the Patent Electronic Business Center at [www.uspto.gov](http://www.uspto.gov) using the public side of the Patent Application Information and Retrieval (PAIR) system. The direct link to access this status information is currently <http://pair.uspto.gov/>. Prior to publication, such status information is confidential and may only be obtained by applicant using the private side of PAIR.

Further assistance in electronically accessing the publication, or about PAIR, is available by calling the Patent Electronic Business Center at 703-305-3028.



21P  
UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/680,830	10/07/2003	2655	450			1	1

Timothy Raymond Cronin  
P.O. Box 291  
Portage, WI 53901



CONFIRMATION NO. 5367  
UPDATED FILING RECEIPT  
[Barcode]  
\*OC000000017822835\*

Date Mailed: 01/11/2006

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

**Applicant(s)**

Timothy Raymond Cronin, Portage, WI;

**Power of Attorney:** None

**Domestic Priority data as claimed by applicant**

**Foreign Applications**

**If Required, Foreign Filing License Granted: 12/21/2005**

**The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US10/680,830**

**Projected Publication Date: 04/20/2006**

**Non-Publication Request: No**

**Early Publication Request: No**

**\*\* SMALL ENTITY \*\***

**Title**

Certified protection from subliminal content for recordings



# UNITED STATES PATENT AND TRADEMARK OFFICE

219  
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/680,830	10/07/2003	2655	385			1	1

Timothy Raymond Cronin  
 P.O. Box 291  
 Portage, WI 53901



CONFIRMATION NO. 5367

FILING RECEIPT



\*OC000000017695939\*

Date Mailed: 12/23/2005

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

**Applicant(s)**

Timothy Raymond Cronin, Portage, WI;

**Power of Attorney:** None

**Domestic Priority data as claimed by applicant**

**Foreign Applications**

**If Required, Foreign Filing License Granted:** 12/21/2005

**The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US10/680,830**

**Projected Publication Date:** To Be Determined - pending completion of Missing Parts

**Non-Publication Request:** No

**Early Publication Request:** No

**\*\* SMALL ENTITY \*\***

**Title**

Certified protection from subliminal content for recordings



21p

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/680,830	10/07/2003	Timothy Raymond Cronin	

Timothy Raymond Cronin  
 P.O. Box 291  
 Portage, WI 53901



**CONFIRMATION NO. 5367**

**FORMALITIES  
LETTER**

Date Mailed: 12/23/2005

**NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION**

**FILED UNDER 37 CFR 1.53(b)**

***Filing Date Granted***

**Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing. A *properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*  
*Note: If a petition under 37 CFR 1.47 is being filed, an oath or declaration in compliance with 37 CFR 1.63 signed by all available joint inventors, or if no inventor is available by a party with sufficient proprietary interest, is required.*

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.16(f) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

**SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is **\$65** for a Small Entity

- **\$65** Surcharge.

Replies should be mailed to: Mail Stop Missing Parts  
 Commissioner for Patents  
 P.O. Box 1450

10-18-2006

PETDEC

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Timothy Raymond Cronin  
P.O. Box 291  
Portage WI 53901

**COPY MAILED**

OCT 18 2006

**OFFICE OF PETITIONS**

In re Application of :  
Timothy Raymond Cronin : DECISION ON PETITION  
Application No. 10/680,830 :  
Filed: August 12, 2005 :  
Title: CERTIFIED PROTECTION :  
FROM SUBLIMINAL CONTENT FOR :  
RECORDINGS :  
:

This is in response to the communications filed September 9, October 4, and October 20, 2005 and October 6, 2006, requesting that the above-identified application be accorded a filing date of October 7, 2003. These communications are being treated as a petition under 1.10(e) to accord the application papers a filing date as of the date of deposit in Express Mail.

**RELEVANT STATUTES, RULES AND REGULATIONS**

35 U.S.C. 111(a) provides that:

The filing date of an application shall be the date on which the specification and any required drawing are received in the Patent and Trademark Office.

1.10(a) provides that:

(1) Any correspondence received by the U.S. Patent and Trademark Office (USPTO) that was delivered by the "Express Mail Post Office to Addressee" service of the United States Postal Service (USPS) will be considered filed with the USPTO on the date of deposit with the USPS.

(2) The date of deposit with USPS is shown by the "date in" on the "Express Mail" label or other official USPS notation. If the USPS deposit date cannot be determined, the correspondence will be accorded the USPTO receipt date as the filing date. See § 1.6(a).

The requirements of the statutes cannot be waived. Thus, the Office may only accord a filing date as of the date a specification (including at least one claim) and any required drawings are filed in the Office. If the requirements of rule 1.10 are met, the date of deposit with the USPS is considered the date of filing with the Office, if the requirements of the rule are met.

A review of the image file wrapper for this application reveals that a transmittal letter, specification and claims were filed on August 12, 2005. The image file wrapper is the Official record of the papers received in an application. Papers not present in the image file wrapper are not considered filed in the application. The image file wrapper does not contain any paper filed prior to August 12, 2005. In addition, on September 9, 2005, applicants advised the Office that drawings were "not applicable." Thus, if drawings are not required, pursuant to 35 U.S.C. 111, the earliest possible filing date for this application is August 12, 2005.

However, applicant contends that the application is entitled to a filing date of October 7, 2003. Applicant asserts that the application papers were originally deposited in the USPS Express Mail service on October 7, 2003. Applicant argues that the Office lost his application and that it was resubmitted on August 12, 2005. Applicant further states that a postcard was returned to him from the USPTO with the application number 10/680830. Yet, applicant's communications do not include a "true" copy of the application papers as originally filed, a copy of the Express Mail mailing label showing a date-in of October 7, 2003 or a copy of their return postcard.

Applicant's attention is directed to 1.10(e) and MPEP 503.

§ 1.10(e) provides that:

Any person mailing correspondence addressed as set out in

§ 1.1(a) to the Office with sufficient postage utilizing the "Express Mail Post Office to Addressee" service of the USPS but not received by the Office, may petition the Director to consider such correspondence filed in the Office on the USPS deposit date, provided that:

(1) The petition is filed promptly after the person becomes aware that the Office has no evidence of receipt of the correspondence;

(2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail";

(3) The petition includes a copy of the originally deposited paper(s) or fee(s) that constitute the correspondence showing the number of the "Express Mail" mailing label thereon, a copy of any returned postcard receipt, a copy of the "Express Mail" mailing label showing the "date-in," a copy of any other official notation by the USPS relied upon to show the date of deposit, and, if the requested filing date is a date other than the "date-in" on the "Express Mail" mailing label or other official notation entered by the USPS, a showing pursuant to paragraph (d) (3) of this section that the requested filing date was the date the correspondence was deposited in the "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day; and

(4) The petition includes a statement which establishes, to the satisfaction of the Director, the original deposit of the correspondence and that the copies of the correspondence, the copy of the "Express Mail" mailing label, the copy of any returned postcard receipt, and any official notation entered by the USPS are true copies of the originally mailed correspondence, original "Express Mail" mailing label, returned postcard receipt, and official notation entered by the USPS.

(f) The Office may require additional evidence to determine if the correspondence was deposited as "Express Mail" with the USPS on the date in question.

MPEP 503 provides that:

A postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO.

The identifying data on the postcard should be so complete as to clearly identify the item for which a receipt is requested. For example, the postcard should identify the applicant's name, application number (if known), confirmation number (if known), filing date, interference number, title of the invention, etc. The postcard should also identify the type of paper being filed, e.g., new application, affidavit, amendment, notice of appeal, appeal brief, drawings, fees, motions, supplemental oath or declaration, petition, etc., and the number of pages being submitted. If a new application is being filed, all parts of the application being submitted should be separately listed on the postcard, e.g., the number of pages of specification (including written description, claims and abstract), number of claims, number of sheets of drawings, number of pages of oath/declaration, number of pages of cover sheet (provisional application).

The postcard receipt will not serve as *prima facie* evidence of receipt of any item which is not adequately itemized on the postcard. For example, merely listing on the postcard "a complete application" or "patent application" will not serve as a proper receipt for each of the required components of an application (e.g., specification (including claims), drawings (if necessary), oath or declaration and the application filing fee) or missing portions (e.g., pages, sheets of drawings) of an application if one of the components or portion of a component is found to be missing by the USPTO. Each separate component should be specifically and properly itemized on the postcard. Furthermore, merely incorporating by reference in the postcard receipt, the items listed in a transmittal letter will not serve as *prima facie* evidence of receipt of those items.

Applicant must prove entitlement to a filing date of October 7, 2003. Given applicant's arguments, 2 ways of attempting to prove entitlement are available. First, applicant may seek to establish entitlement under 1.10(e) above. Such a petition must

include a copy of the application papers as applicant maintains they were originally filed on October 7, 2003 and a copy of the Express Mail mailing label (including the "date-in") used to mail the papers on October 7, 2003. Second, applicant may submit a copy of their itemized and date-stamped return postcard. It is suggested that applicant submit any and all evidence supporting a conclusion that the application is entitled to a filing date of October 7, 2003. Applicant is reminded, however, that evidence that a filing fee was filed on October 7, 2003 is not persuasive evidence that a specification and any required drawings were filed on that date.

Accordingly, the petition is dismissed without prejudice to reconsideration.

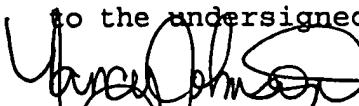
Applicant is given TWO (2) MONTHS from the mailing date of this decision to respond. This period is not extendable under 37 CFR 1.136(a).

Further correspondence with respect to this decision should be addressed as follows:

By mail: Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

By hand: Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3219.

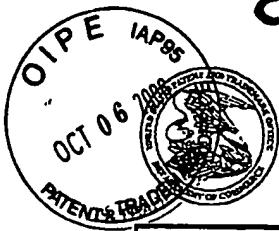
  
Nancy Johnson  
Senior Petitions Attorney  
Office of Petitions

10-06-2006

CFILE

23

IFW



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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/680,830	08/12/2005	2626	450			1	1

Timothy Raymond Cronin  
 P.O. Box 291  
 Portage, WI 53901

NOTED ERROR:  
 FILING DATE PRINTED  
 ON THIS FORM IS WRONG!  
 PLEASE CHANGE TO TRUE AND  
 CORRECT FILING DATE WHICH  
 IS: 10/07/2003 (i.e. 07OCT03)

CONFIRMATION NO. 5367  
 CORRECTED FILING RECEIPT



\*OC000000020610847\*

Date Mailed: 09/27/2006

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Timothy Raymond Cronin, Portage, WI;

Power of Attorney: None

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 12/21/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US10/680,830

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

\*\* SMALL ENTITY \*\*

Title

Certified protection from subliminal content for recordings

Preliminary Class

01-05-2006

PEFR

24a

Page 1 of 2



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JAN 05 2006

UNITED STATES DEPARTMENT OF COMMERCE  
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www.uspto.gov

APPLICATION NUMBER	MAILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/680,830	10/07/2003	Timothy Raymond Cronin	

Timothy Raymond Cronin  
P.O. Box 291  
Portage, WI 53901

CONFIRMATION NO. 5367  
FORMALITIES  
LETTER

Date Mailed: 12/23/2005

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

### Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing. *A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*  
*Note: If a petition under 37 CFR 1.47 is being filed, an oath or declaration in compliance with 37 CFR 1.63 signed by all available joint inventors, or if no inventor is available by a party with sufficient proprietary interest, is required.*

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.16(f) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

### SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$65** for a Small Entity

- **\$65** Surcharge.

Replies should be mailed to: Mail Stop Missing Parts

01/06/2006 CNGUYEN2 00000018 10680830

01 FC:2051

65.00 OP

Commissioner for Patents

P.O. Box 1450

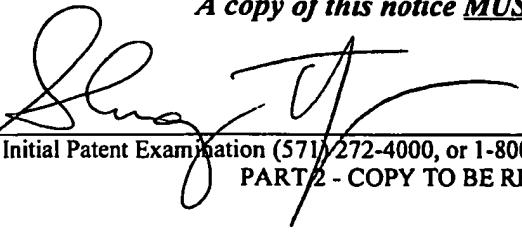
246

Page 2 of 2

Alexandria VA 22313-1450

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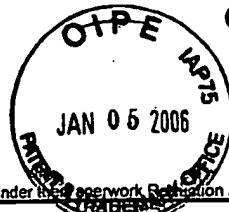
*A copy of this notice **MUST** be returned with the reply.*

  
Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199, or 1-800-972-6382  
PART 2 - COPY TO BE RETURNED WITH RESPONSE

01-05-2006

OATH

25



PTO/SB/01 (10-05)

Approved for use through 07/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**DECLARATION FOR UTILITY OR  
DESIGN  
PATENT APPLICATION  
(37 CFR 1.63)**

Declaration  
Submitted  
With Initial  
Filing

OR

Declaration  
Submitted after Initial  
Filing (surcharge  
(37 CFR 1.16 (e))  
required)

Attorney Docket Number	
First Named Inventor	Timothy Raymond Cronin
COMPLETE IF KNOWN	
Application Number	10/680830
Filing Date	10/07/2003
Art Unit	2655
Examiner Name	

I hereby declare that:

Each inventor's residence, mailing address, and citizenship are as stated below next to their name.

I believe the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

*Certified protection from subliminal  
content for recordings.*

(Title of the Invention)

the specification of which

is attached hereto

OR

was filed on (MM/DD/YYYY)

10/07/2003

as United States Application Number or PCT International

Application Number **10/680830** and was amended on (MM/DD/YYYY)   (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached? YES	Certified Copy Attached? NO

Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

(Page 1 of 2)

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance completing the form, call 1-800-PTO-9199 and select option 2.

256

PTO/SB/01 (10-05)

Approved for use through 07/31/2008. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

## DECLARATION — Utility or Design Patent Application

Direct all correspondence to: <input type="checkbox"/> The address associated with Customer Number: <input type="text"/>		OR <input checked="" type="checkbox"/> Correspondence address below
Name <input type="text" value="Timothy Raymond Cronin"/>		
Address <input type="text" value="P. O. Box 291"/>		
City <input type="text" value="Portage"/>	State <input type="text" value="WI"/>	ZIP <input type="text" value="53901"/>
Country <input type="text" value="United States of America"/>	Telephone <input type="text" value="no personal phone #"/>	Email <input type="text" value="none"/>
<p><b>WARNING:</b>            Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.</p>		
<p>I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.</p>		
NAME OF SOLE OR FIRST INVENTOR: <input type="checkbox"/>		A petition has been filed for this unsigned inventor
Given Name (first and middle [if any]) <input type="text" value="Timothy Raymond"/>		Family Name or Surname <input type="text" value="Cronin"/>
Inventor's Signature <input type="text" value="Timothy Raymond Cronin"/>		Date <input type="text" value="12/29/2005"/>
Residence: City (suburb of) <input type="text" value="Portage"/>	State <input type="text" value="Wisconsin"/>	Country <input type="text" value="United States of America"/>
		Citizenship <input type="text" value="United States of America"/>
Mailing Address <input type="text" value="P.O. Box 291"/>		
City <input type="text" value="Portage"/>	State <input type="text" value="WI"/>	Zip <input type="text" value="53901"/>
Country <input type="text" value="United States of America"/>		
<input type="checkbox"/> Additional inventors or a legal representative are being named on the		supplemental sheet(s) PTO/SB/02A or 02LR attached hereto.

12-23-2005

PEFN

26

Page 1 of 2



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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
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Timothy Raymond Cronin  
P.O. Box 291  
Portage, WI 53901

CONFIRMATION NO. 5367  
FORMALITIES  
LETTER

Date Mailed: 12/23/2005

**NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION**

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

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- The oath or declaration is missing. A *properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*  
*Note: If a petition under 37 CFR 1.47 is being filed, an oath or declaration in compliance with 37 CFR 1.63 signed by all available joint inventors, or if no inventor is available by a party with sufficient proprietary interest, is required.*

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The required item(s) identified below must be timely submitted to avoid abandonment:

- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.16(f) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

**SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is **\$65** for a Small Entity

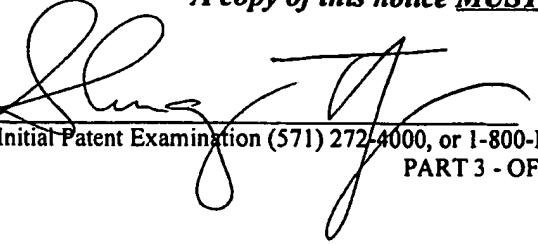
- **\$65** Surcharge.

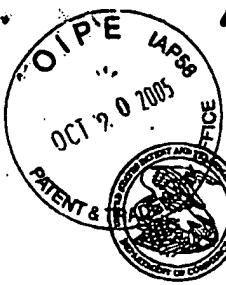
Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450

Alexandria VA 22313-1450

---

*A copy of this notice **MUST** be returned with the reply.*

  
Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199, or 1-800-972-6382  
PART 3 - OFFICE COPY



10-20-2005

PEFR

27a  
10-21-05

Page 1 of 2

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

1FWX

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
11/203,657	08/12/2005	Timothy Raymond Cronin	

Timothy Raymond Cronin  
P.O. Box 291  
Portage, WI 53901

CONFIRMATION NO. 8099  
FORMALITIES  
LETTER

Date Mailed: 08/31/2005

**NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION**

10/24/2005 DEMMANU1 00000009 11203657

FILED UNDER 37 CFR 1.53(b)

01 FC:2011 150.00 OP  
02 FC:2622 30.00 OP

*Filing Date Granted*

**Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 150 to complete the basic filing fee for a small entity.*
- The oath or declaration is unsigned.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- An abstract of the technical disclosure not exceeding 150 words in length and commencing on a separate sheet in compliance with 37 CFR 1.72(b) is required. An abstract was not provided for this application.

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.16(f) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

**SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is \$565 for a Small Entity

- \$150 Statutory basic filing fee.
- \$65 Surcharge.
- The application search fee has not been paid. Applicant must submit \$250 to complete the search fee.
- The application examination fee has not been paid. Applicant must submit \$100 to complete the examination fee for a small entity in compliance with 37 CFR 1.27

**Items Required To Avoid Processing Delays:**

The item(s) indicated below are also required and should be submitted with any reply to this notice to avoid further processing delays.

- A new oath or declaration, identifying this application number is required. The oath or declaration does not comply with 37 CFR 1.63 in that it:
- does not state that the person making the oath or declaration acknowledges the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.
- does not state that the person making the oath or declaration has reviewed and understands the contents of the specification, including the claims, as amended by any amendment specifically referred to in the oath or declaration.
- does not state that the person making the oath or declaration believes the named inventor or inventors to be the original and the first inventor or inventors of the subject matter which is claimed and for which a patent is sought.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

---

*A copy of this notice **MUST** be returned with the reply.*

Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199, or 1-800-972-6382  
PART 2 - COPY TO BE RETURNED WITH RESPONSE



27c  
P.O. Box 291  
Portage, WI 53901  
October 19, 2005

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

re: U.S. APPLICATION NUMBER: 10/680830  
FILING DATE: 07OCT03  
NAME OF APPLICANT: Timothy Raymond Cronin  
TITLE OF INVENTION: Certified protection from subliminal content for recordings.

Dear Sirs:

I received a NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION very early last month. I responded to that NOTICE with two letters, the first of which was received at your address on September 09, 2005. The second which was received at the USPTO Mail Center on October 05, 2005. But I did not send any money.

The Formalities Letter (see enclosed copy; and, too, a copy of the FILING RECEIPT showing corrections) which contained the NOTICE mentioned above listed amounts I needed to pay to avoid abandonment of my application for a patent. But my utility patent application made in October of the year 2003 was said to have been "lost in cyberspace" at the USPTO. Consequently, I did not believe that the fees and surcharge listed in the SUMMARY OF FEES DUE section of that Formalities Letter were correct; and this I described in my letter to your office in early September of this year.

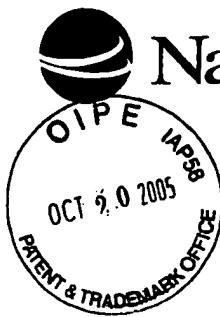
However, in that letter I wrote that I thought the total payment indicated by the SUMMARY OF FEES DUE section of the Formalities Letter was \$1130.00. But the actual payment is probably half of that amount, i.e. \$565.00 (the amounts listed after black dots under the top line of page two of the Formalities Letter probably are a breakdown of the \$565.00 mentioned in that top line).

Although I contest the surcharge and at least one of the other fees, to avoid further delay in processing or abandonment of my utility patent application I am sending an additional payment along with proof of an earlier payment together which amount to \$565.00. And I'm doing so in time to meet the deadline (which is probably 30OCT05).

Sincerely,

*Timothy Raymond Cronin*  
Timothy Raymond Cronin

27d

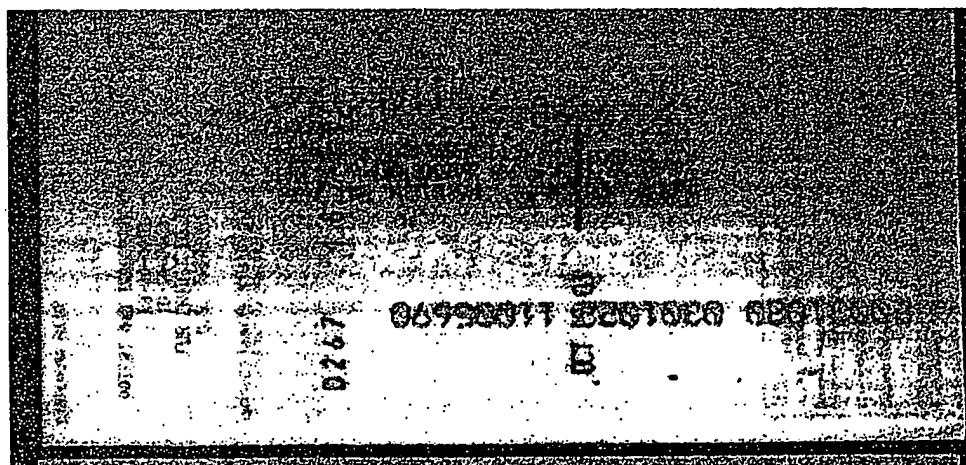
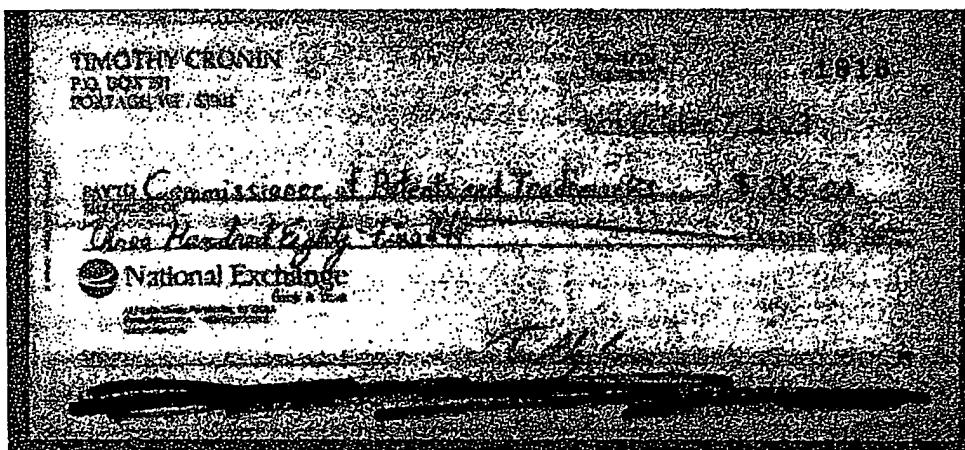


# National Exchange

Bank & Trust

113 Lake Street  
Pardeeville, WI 53954-8877

Phone 608.429.2134



*Peter L. Ollie*  
Customer Service Rep.

**BEST AVAILABLE COPY**  
Copied from file 120365 of National Exchange Bank & Trust.

10-20-2005  
IMIS

28

NOTICE OF FEE DUE

DATE: 10-21-05

TO: Follow-on (AMP)

FROM: Office of Initial Patent Examination

SUBJECT: Fee Due

APPLICATION NUMBER 11-203-657

A fee is due for the attached document submitted to the U.S. Patent and Trademark Office for the following reason. Please check the application for the appropriate authorizations to charge a deposit account if an authorizations is present, please charge the Appropriate Fee. If and authorization is not present, notify the applicant of the fee deficiency.

- Insufficient fee by check
- Insufficient funds in deposit amount
- Insufficient by Credit Card
- Declined credit card
- Non-authorization for charge to deposit account
- No fee submitted per requirement

The correct fee code: 2111-2311

Amount \$ 350.00

The suspended fee code: 1999

Amount \$ \_\_\_\_\_

The suspended 1622

Amount \$ \_\_\_\_\_

The suspended 2622

Amount \$ \_\_\_\_\_

Fee Due

\$ 350.00

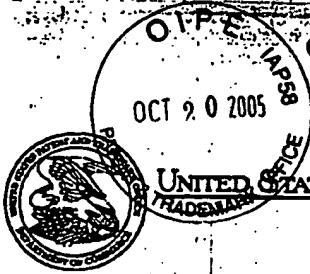
Terminal Operator



10-20-2005

CFILE

Page 1 of 3



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
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www.uspto.gov

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE RECD	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
11/203,657	08/12/2005	2615	0.00			1	1

BEST AVAILABLE COPY

Timothy Raymond Cronin  
P.O. Box 291  
Portage, WI 53901

CONFIRMATION NO. 8099

FILING RECEIPT



\*OC00000016906558\*

Date Mailed: 08/31/2005

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Timothy Raymond Cronin, Portage, WI;

NOTE CIRCLED ITEMS  
ARE INCORRECT

Power of Attorney: None

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 08/30/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/203,657

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No

\*\* SMALL ENTITY \*\*

Title

Certified protection from subliminal content for recordings

Preliminary Class

386

## PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process simplifies the filing of patent applications on the same invention in member countries, but does not result in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

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### LICENSE FOR FOREIGN FILING UNDER Title 35, United States Code, Section 184 Title 37, Code of Federal Regulations, 5.11 & 5.15

#### GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

REEST AVAIL ARI F COPY



10-04-2005

LET.

30

IFW

P.O. Box 291  
Portage, WI 53901  
September 30, 2005

Commissioner for Patents  
P.O. Box 1450  
Alexandria Va 22313-1450

re: U.S. APPLICATION NUMBER: 10/680830  
FILING DATE: 07OCT03  
NAME OF APPLICANT: Timothy Raymond Cronin  
TITLE OF INVENTION: Certified protection from subliminal content for recordings.

Dear Sirs:

Please note: on my letter to your office dated 05SEP05 and on a similar letter to Mail Stop Missing Parts which was also dated 05SEP05 (both of which arrived at the USPTO on 09SEP05) I mistakenly put "09/15/2003" as the Filing Date.

I apologize for putting the wrong filing date at the beginning of those letters. I had intended to use the date I'd been told by a USPTO representative on 12AUG05. But I, also, got that (wrong) date wrong -- I'd been told 10/15/03 and not 09/15/03.

Later I double checked because the date "100703" was printed (under the bar code) on the clear sticker attached to the post card returned to me from the USPTO. That sticker also had my application number on it (i.e.: 10/680830).

I looked in the USPTO booklet A Guide to Filing a Utility Patent Application, and found on page seven (second column, fourth paragraph) that given the "Date In" on the Express Mail Post Office to Addressee mailing label customer copy my correct application date is 07OCT03.

I'm now concerned that the end of October deadline to pay fees and a surcharge as indicated on the USPTO Formalities Letter (Date Mailed: 08/31/2005) which was sent to me will, if passed, complicate repair of the original mix-up which I asked the USPTO to fix in my letter to it dated 05SEP05.

*in light of the above correction*

So I ask you please to respond to my letter dated 05SEP05. And I thank you for your consideration of this matter. Please respond promptly to this urgent request for action.

Sincerely,

*Timothy Raymond Cronin*

Timothy Raymond Cronin

09-09-2005

LET.

31 a



IFW

P.O. Box 291  
Portage, WI 53901  
September 5, 2005

Commissioner for Patents  
P.O. Box 1450  
Alexandria Va 22313-1450

re: U.S. APPLICATION NUMBER: 10/680830  
FILING DATE: 09/15/2003  
NAME OF APPLICANT: Timothy Raymond Cronin  
TITLE OF INVENTION: Certified protection from subliminal content for recordings.

Dear Sirs:

After almost two years of watching my mailbox for word about my pending patent, application number 10/680830, to my delight I received a letter on 03SEP05 from the USPTO.

After my original filing which I sent by USPS Express Mail on 07OCT03 I waited for a long time. Then on 27JUL04 I called phone #(703) 305-4700. The lady I talked to at that number said my application had just recently been sent to an examiner "due to backlog." And that it just got into the system, and that I'd be sent notice.

After hearing nothing from the USPTO, I called again on 02NOV04, and was told no specifics. But only that my application was still being processed and the patent hadn't been issued yet. So, after hearing nothing, I called phone #(703) 305-4700 again on 26JAN05 and was told that my application was undergoing "pre-exam processing." But I subsequently still heard nothing from the USPTO.

So I called again on 28JUL05, and finally got connected to phone #(703) 308-1202. The lady I talked with said to me, with some concern in her voice, "I see that" when I told her that I had put my application in in the fall of 2003. She told me that my application was probably "lost in cyberspace." I asked her if there was anything I needed to do. Her answer: "no." So I asked her if it would be taken care of. Her answer: "yes."

But I got no response from the USPTO. So on 12AUG05 I called phone #(703) 308-1202, and was told that that number had been changed to (571) 272-4000 (office of initial patent application). I called phone #(571) 272-4000, and talked

with Mrs. Robinson. I told her I had already made my application. She told me she knew that I had already paid my filing fee. And I was told my filing date was October 15, 2003. She asked me to send her a copy of my original application via USPS Express Mail which I did promptly. But I included a letter (see enclosed copy of that letter) in which I tried to reinforce the idea that I was obviously not trying to file a new application.

I had asked her how I could know that the information she asked me to send to her would, if I did send it, not also be lost in cyberspace. She told me nothing in life is certain. So I asked her to wait a moment while I formulated a question which would make more sense. This seemed to me to prompt her to consider ways to advance my application. She briefly mentioned faxing, but I think to try to save me money she decided it would be best if I used Express Mail, which was less expensive. I was given to understand that she would get my original application processed timely. I thought I made it clear that I did not want to re-file my application.

But I called the "private number" which Mrs. Robinson gave me on 12AUG05 to see whether or not what I had sent to her was sufficient. But I got an [Audix (?)] automatic voice recording answering extension 168 for "Linda McDowell" (phonic spelling). No one answered, so I pressed "0" as per automatic instructions for assistance and let the phone ring for over ten minutes after which time I hung up.

But I called back right away, and left a recording for Linda McDowell stating my application number, 10/680830, and that I'd talked with Mrs. Robinson on 12AUG05. That I'd sent a copy of my application which had arrived that very day at the USPTO (15AUG05). And that I wondered whether or not I needed to send more information. I said that I had included a letter with the copy of my application which I sent to Mrs. Robinson. Also, I stated that I had called the USPTO several times before, and what the results of those calls were. I asked to be contacted by mail.

But I heard nothing back, so on 23AUG05 I called phone #(571) 272-4000 and told Mrs. Day, the lady I talked with, that I had sent my original application in the fall of 2003, called the USPTO a few times or so, finally talked with Mrs. Robinson and sent a copy of my original application; but, still, got nothing.

Mrs. Day said my application hadn't been classified or reviewed. I asked whether or not I could be sent a postcard or something letting me know when it was reviewed. Mrs. Day said "give me two weeks" after which time she said I should call back if I hadn't received anything. And, sure enough, in less than two weeks I got my first letter from the USPTO

(not including the postcard with my original application number on it).

But when I received the letter last week from the USPTO I was unpleasantly surprised by an application date which had apparently been bumped forward by almost two years. And I was asked to pay fees, late fees, and a surcharge totaling \$1130.00, which seems to relate partly to an issuance fee amount, but which appears additionally to be a request for an initial filing fee and related charges. But I can prove that I paid the whole \$385.00 basic filing fee in October 2003 (I had sent a check along with my original application).

Consequently, I ask that the USPTO fix this problem. That is, have my original patent application examined, and let me know timely the determination of its status (actually, the copy of my original application, which I had recently sent to Mrs. Robinson, seems to have been examined already: about which more below). And I ask that the erroneous requirements of the missing parts formalities letter (I did sign the original application, and I did pay the filing fee) be canceled. And that both the new but wrong filing date and new but wrong application number be expunged. Also, I ask that the issuance fee be waived after notice of allowance due to the inconvenience I've already encountered. In particular the long initial delay, and the current mix-up which especially owing to the changed application date has required me to produce this difficult communication.

When Mrs. Robinson, phone #(571) 272-4000, asked me on 12AUG05 to send her a copy of my original application she gave no indication that it had to be complete, and I purposefully did not sign it so as to try to avoid just the problems which nevertheless subsequently occurred. As I mentioned above, a copy of my letter to Mrs. Robinson is enclosed: please note that I was explicit in my efforts to prevent what materials I sent to her from being confounded with my original patent application (which I did sign with my full name).

Yet, except for my signature, the copy of my original application which I sent to Mrs. Robinson on 12AUG05 did contain all of the information of the original. The "missing parts" notice asks for an "abstract of the technical disclosure." I didn't include one originally because the idea which I'm trying to get patented is so simple that I mistakenly thought that the patent title was almost self-explanatory. To correct that error I've included on a separate sheet an Abstract Of The Disclosure, and on another sheet a new page six of my application plus a "version with markings to show changes made"(please see).

I do manual labor for a living. The cost to me of my application

31d

4

including the two Express Mail mailings and many long distance phone calls has been over \$400.00. I have not been able to locate in the packet of information sent to my in 2003 by the USPTO an explanation of why there is an examination fee: I thought that was part of the application fee. If after reading this letter and its included enclosures the USPTO still determines that I need to pay certain fees to have a patent granted for my idea, then please let me know what those fees are, and where they are to be sent.

If a guest at the retail store I work for paid over \$400.00 and after almost two years got nothing for that money, that retailer would be in trouble. I know the U.S. is at war, and that it has just suffered a terrible natural disaster. But perhaps we can agree that the U.S. is not hopeless. That there is a value in not giving up — In not abandoning maintenance of the nation's infrastructure, such as an effective patent mechanism. I again ask for your help in fixing this problem. And I thank you for your consideration of this request.

Sincerely,

*Timothy Raymond Cronin*

Timothy Raymond Cronin

P.S. I intend to send this same letter to:

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

Enclosures

31e



## Specification (contd.)

### ABSTRACT OF THE DISCLOSURE

Piracy of audio recordings, recordings containing both audio and video content, and visual recordings is a big challenge to those who own the original intellectual property contained in those recordings. Technical means of preventing or interfering with unauthorized copying of that intellectual content has failed to prevent serious economic damage to the recording industry and to many artists who rely on it. I propose that by certifying specific lack of subliminal content the owners of the intellectual property will be able to appeal to potential purchasers who care about recordings' quality and who will pay for that quality. All subsequent copies of those recordings would lack that quality; and, consequently, would have lower market value.

31f

**Specification (contd.)**

**DRAWINGS**

**Not Applicable**



319

## Specification (contd.)

### ABSTRACT OF THE DISCLOSURE

Not Applicable

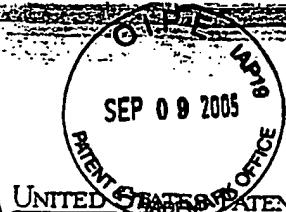
[DELETED & REPLACED WITH NARRATIVE  
ABSTRACT OF THE DISCLOSURE]

DRAWINGS

Not Applicable

[MOVED TO NEW PAGE, NO. SIX]

Version with markings, X<sup>o</sup>  
show changes made}



316

Page 1 of 3

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
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www.uspto.gov

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
11/203,657	08/12/2005	2615	0.00			1	1

Timothy Raymond Cronin  
P.O. Box 291  
Portage, WI 53901

CONFIRMATION NO. 8099

FILING RECEIPT



"OC000000016906558"

Date Mailed: 08/31/2005

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Timothy Raymond Cronin, Portage, WI;

NOTE CIRCLED ITEMS  
ARE INCORRECT

Power of Attorney: None

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 08/30/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/203,657

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No

\*\* SMALL ENTITY \*\*

Title

Certified protection from subliminal content for recordings

31

Preliminary Class  
386

## PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process simplifies the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

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### LICENSE FOR FOREIGN FILING UNDER Title 35, United States Code, Section 184 Title 37, Code of Federal Regulations, 5.11 & 5.15

#### GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

31j

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



P.O. Box 2915

Portage, WI 53901

August 12, 2005

31k

Mrs. Marcia Robinson  
South Tower Building, Room 437A  
Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313

Dear Mrs. Robinson:

Thank you for offering to take care of my lost patent application. When you mentioned faxing when we talked this afternoon I got the impression that the copy of my application which you asked me to send to you didn't have to have perfect margins and etc..

The copy (of the application which I sent

(over)

(2)

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originally submitted which I kept for myself was a final draft. It had printed out a bit crooked. Also, the last number on the first page of the original application received by the PTO on October 15, 2003, was on the second line underneath the words "Express Mail."

So I didn't sign the slightly imperfect copy (enclosed) of the final draft of the patent application which I'd originally submitted.

Also, if a notice of allowance will be sent, would a reduction of the issuance fee be possible under the circumstances?

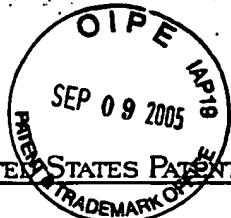
Again, thank you for your help with my application.

Sincerely,

Tim Cronin

Tim Cronin

P.S. re: 10/680830



31m

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
11/203,657	08/12/2005	Timothy Raymond Cronin	

Timothy Raymond Cronin  
P.O. Box 291  
Portage, WI 53901

CONFIRMATION NO. 8099  
FORMALITIES  
LETTER

Date Mailed: 08/31/2005

**NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION**

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

**Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 150 to complete the basic filing fee for a small entity.*
- The oath or declaration is unsigned.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- An abstract of the technical disclosure not exceeding 150 words in length and commencing on a separate sheet in compliance with 37 CFR 1.72(b) is required. An abstract was not provided for this application.

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.16(f) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

**SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is **\$565** for a Small Entity

- **\$150** Statutory basic filing fee.
- **\$65** Surcharge.
- The application search fee has not been paid. Applicant must submit **\$250** to complete the search fee.
- The application examination fee has not been paid. Applicant must submit **\$100** to complete the examination fee for a small entity in compliance with 37 CFR 1.27

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- A new oath or declaration, identifying this application number is required. The oath or declaration does not comply with 37 CFR 1.63 in that it:
- does not state that the person making the oath or declaration acknowledges the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.
- does not state that the person making the oath or declaration has reviewed and understands the contents of the specification, including the claims, as amended by any amendment specifically referred to in the oath or declaration.
- does not state that the person making the oath or declaration believes the named inventor or inventors to be the original and the first inventor or inventors of the subject matter which is claimed and for which a patent is sought.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199, or 1-800-972-6382  
PART 2 - COPY TO BE RETURNED WITH RESPONSE



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 Alexandria, Virginia 22313-1450  
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Timothy Raymond Cronin  
 P.O. Box 291  
 Portage, WI 53901

CONFIRMATION NO. 8099

FORMALITIES  
 LETTER

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31p

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Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

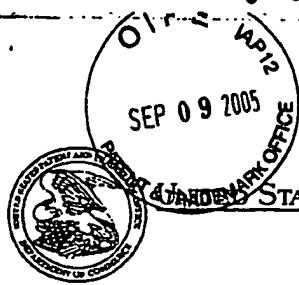
Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199, or 1-800-972-6382  
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09-09-2005

PEFR

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11/203,657	08/12/2005	Timothy Raymond Cronin	

Timothy Raymond Cronin  
P.O. Box 291  
Portage, WI 53901

CONFIRMATION NO. 8099  
FORMALITIES  
LETTER

Date Mailed: 08/31/2005

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Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199, or 1-800-972-6382  
PART 2 - COPY TO BE RETURNED WITH RESPONSE

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copied from 441203657 on 12/20/2003



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UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
11/203,657	08/12/2005	Timothy Raymond Cronin	

Timothy Raymond Cronin  
P.O. Box 291  
Portage, WI 53901

CONFIRMATION NO. 8099  
FORMALITIES  
LETTER

Date Mailed: 08/31/2005

**NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION**

**FILED UNDER 37 CFR 1.53(b)**

*Filing Date Granted*

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Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

*Sil*  
Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199, or 1-800-972-6382  
PART 1 - ATTORNEY/APPLICANT COPY

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09-09-2005

PET. OP

33a

JFW



P.O. Box 291  
Portage, WI 53901  
September 5, 2005

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

re: U.S. APPLICATION NUMBER: 10/680830  
FILING DATE: 09/15/2003  
NAME OF APPLICANT: Timothy Raymond Cronin  
TITLE OF INVENTION: Certified protection from subliminal content for recordings.

Dear Sirs:

After almost two years of watching my mailbox for word about my pending patent, application number 10/680830, to my delight I received a letter on 03SEP05 from the USPTO.

After my original filing which I sent by USPS Express Mail on 07OCT03 I waited for a long time. Then on 27JUL04 I called phone #(703) 305-4700. The lady I talked to at that number said my application had just recently been sent to an examiner "due to backlog." And that it just got into the system, and that I'd be sent notice.

After hearing nothing from the USPTO, I called again on 02NOV04, and was told no specifics. But only that my application was still being processed and the patent hadn't been issued yet. So, after hearing nothing, I called phone #(703) 305-4700 again on 26JAN05 and was told that my application was undergoing "pre-exam processing." But I subsequently still heard nothing from the USPTO.

So I called again on 28JUL05, and finally got connected to phone #(703) 308-1202. The lady I talked with said to me, with some concern in her voice, "I see that" when I told her that I had put my application in in the fall of 2003. She told me that my application was probably "lost in cyberspace." I asked her if there was anything I needed to do. Her answer: "no." So I asked her if it would be taken care of. Her answer: "yes."

But I got no response from the USPTO. So on 12AUG05 I called phone #(703) 308-1202, and was told that that number had been changed to (571) 272-4000 (office of initial patent application). I called phone #(571) 272-4000, and talked

with Mrs. Robinson. I told her I had already made my application. She told me she knew that I had already paid my filing fee. And I was told my filing date was October 15, 2003. She asked me to send her a copy of my original application via USPS Express Mail which I did promptly. But I included a letter (see enclosed copy of that letter) in which I tried to reinforce the idea that I was obviously not trying to file a new application.

I had asked her how I could know that the information she asked me to send to her would, if I did send it, not also be lost in cyberspace. She told me nothing in life is certain. So I asked her to wait a moment while I formulated a question which would make more sense. This seemed to me to prompt her to consider ways to advance my application. She briefly mentioned faxing, but I think to try to save me money she decided it would be best if I used Express Mail, which was less expensive. I was given to understand that she would get my original application processed timely. I thought I made it clear that I did not want to re-file my application.

But I called the "private number" which Mrs. Robinson gave me on 12AUG05 to see whether or not what I had sent to her was sufficient. But I got an [Audix (?)] automatic voice recording answering extension 168 for "Linda McDowell" (phonic spelling). No one answered, so I pressed "0" as per automatic instructions for assistance and let the phone ring for over ten minutes after which time I hung up.

But I called back right away, and left a recording for Linda McDowell stating my application number, 10/680830, and that I'd talked with Mrs. Robinson on 12AUG05. That I'd sent a copy of my application which had arrived that very day at the USPTO (15AUG05). And that I wondered whether or not I needed to send more information. I said that I had included a letter with the copy of my application which I sent to Mrs. Robinson. Also, I stated that I had called the USPTO several times before, and what the results of those calls were. I asked to be contacted by mail.

But I heard nothing back, so on 23AUG05 I called phone #(571) 272-4000 and told Mrs. Day, the lady I talked with, that I had sent my original application in the fall of 2003, called the USPTO a few times or so, finally talked with Mrs. Robinson and sent a copy of my original application; but, still, got nothing.

Mrs. Day said my application hadn't been classified or reviewed. I asked whether or not I could be sent a postcard or something letting me know when it was reviewed. Mrs. Day said "give me two weeks" after which time she said I should call back if I hadn't received anything. And, sure enough, in less than two weeks I got my first letter from the USPTO

(not including the postcard with my original application number on it).

But when I received the letter last week from the USPTO I was unpleasantly surprised by an application date which had apparently been bumped forward by almost two years. And I was asked to pay fees, late fees, and a surcharge totaling \$1130.00, which seems to relate partly to an issuance fee amount, but which appears additionally to be a request for an initial filing fee and related charges. But I can prove that I paid the whole \$385.00 basic filing fee in October 2003 (I had sent a check along with my original application).

Consequently, I ask that the USPTO fix this problem. That is, have my original patent application examined, and let me know timely the determination of its status (actually, the copy of my original application, which I had recently sent to Mrs. Robinson, seems to have been examined already: about which more below). And I ask that the erroneous requirements of the missing parts formalities letter (I did sign the original application, and I did pay the filing fee) be canceled. And that both the new but wrong filing date and new but wrong application number be expunged. Also, I ask that the issuance fee be waived after notice of allowance due to the inconvenience I've already encountered. In particular the long initial delay, and the current mix-up which especially owing to the changed application date has required me to produce this difficult communication.

When Mrs. Robinson, phone #(571) 272-4000, asked me on 12AUG05 to send her a copy of my original application she gave no indication that it had to be complete, and I purposefully did not sign it so as to try to avoid just the problems which nevertheless subsequently occurred. As I mentioned above, a copy of my letter to Mrs. Robinson is enclosed: please note that I was explicit in my efforts to prevent what materials I sent to her from being confounded with my original patent application (which I did sign with my full name).

Yet, except for my signature, the copy of my original application which I sent to Mrs. Robinson on 12AUG05 did contain all of the information of the original. The "missing parts" notice asks for an "abstract of the technical disclosure." I didn't include one originally because the idea which I'm trying to get patented is so simple that I mistakenly thought that the patent title was almost self-explanatory. To correct that error I've included on a separate sheet an Abstract Of The Disclosure, and on another sheet a new page six of my application plus a "version with markings to show changes made" (please see).

I do manual labor for a living. The cost to me of my application

including the two Express Mail mailings and many long distance phone calls has been over \$400.00. I have not been able to locate in the packet of information sent to my in 2003 by the USPTO an explanation of why there is an examination fee: I thought that was part of the application fee. If after reading this letter and its included enclosures the USPTO still determines that I need to pay certain fees to have a patent granted for my idea, then please let me know what those fees are, and where they are to be sent.

If a guest at the retail store I work for paid over \$400.00 and after almost two years got nothing for that money, that retailer would be in trouble. I know the U.S. is at war, and that it has just suffered a terrible natural disaster. But perhaps we can agree that the U.S. is not hopeless. That there is a value in not giving up — In not abandoning maintenance of the nation's infrastructure, such as an effective patent mechanism. I again ask for your help in fixing this problem. And I thank you for your consideration of this request.

Sincerely,



Timothy Raymond Cronin

P.S. I intend to send this same letter to:

Commissioner for Patents  
P.O. Box 1450  
Alexandria Va 22313-1450

Enclosures



09-09-2005

ABST

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### Specification (contd.)

#### ABSTRACT OF THE DISCLOSURE

Piracy of audio recordings, recordings containing both audio and video content, and visual recordings is a big challenge to those who own the original intellectual property contained in those recordings. Technical means of preventing or interfering with unauthorized copying of that intellectual content has failed to prevent serious economic damage to the recording industry and to many artists who rely on it. I propose that by certifying specific lack of subliminal content the owners of the intellectual property will be able to appeal to potential purchasers who care about recordings' quality and who will pay for that quality. All subsequent copies of those recordings would lack that quality; and, consequently, would have lower market value.

09-09-2005

SPEC

35



**Specification (contd.)**

**DRAWINGS**

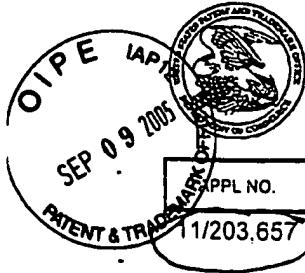
**Not Applicable**

09-09-2005

CFILE

36a

Page 1 of 3



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPN NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
1/203,657	08/12/2005	2615	0.00			1	1

Timothy Raymond Cronin  
 P.O. Box 291  
 Portage, WI 53901

CONFIRMATION NO. 8099  
 FILING RECEIPT

  
 OC000000016906558\*

Date Mailed: 08/31/2005

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Timothy Raymond Cronin, Portage, WI;

NOTE CIRCLED ITEMS  
 ARE INCORRECT

Power of Attorney: None

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 08/30/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/203,657

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No

\*\* SMALL ENTITY \*\*

Title

Certified protection from subliminal content for recordings

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36b

Preliminary Class

386

## PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

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### LICENSE FOR FOREIGN FILING UNDER Title 35, United States Code, Section 184 Title 37, Code of Federal Regulations, 5.11 & 5.15

#### GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

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copied from 1120365 on 12/20/2005

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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36d



P.O. Box 29

Portage, WI 53901

August 12, 2005

Mrs. Marcia Robinson  
South Tower Building, Room 437A  
Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313

Dear Mrs. Robinson:

Thank you for offering to take care of my lost patent application. When you mentioned faxing when we talked this afternoon I got the impression that the copy of my application which you asked me to send to you didn't have to have perfect margins and etc..

The copy of the application which I sent

(over)

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36e

②

originally, but which I kept for myself, was a final draft. It had printed out a bit crooked. Also, the last number on the first page of the original application received by the PTO on October 15, 2003, was on the second line underneath the words "Express Mail."

So I didn't sign the slightly imperfect copy (enclosed) of the final draft of the patent application which I'd originally submitted.

Also, if a notice of allowance will be sent, would a reduction of the issuance fee be possible under the circumstances?

Again, thank you for your help with my application.

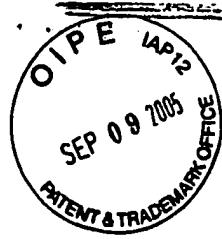
Sincerely,

Tim Cronin

Tim Cronin

P.S. re: 10/680830

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36f

Specification (contd.)

ABSTRACT OF THE DISCLOSURE

Not Applicable

[DELETED & REPLACED WITH NARRATIVE  
ABSTRACT OF THE DISCLOSURE]

DRAWINGS

Not Applicable

[MOVED TO NEW PAGE, NO. SIX]

2 Version with markings, X<sup>o</sup>  
show changes made }

3

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Copied from 1120367 on 12/20/2005

08-31-2005

PEFN

37

Page 1 of 2



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
11/203,657	08/12/2005	Timothy Raymond Cronin	

Timothy Raymond Cronin  
P.O. Box 291  
Portage, WI 53901

CONFIRMATION NO. 8099

FORMALITIES  
LETTER

Date Mailed: 08/31/2005

**NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION**

**FILED UNDER 37 CFR 1.53(b)**

*Filing Date Granted*

**Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 150 to complete the basic filing fee for a small entity.*
- The oath or declaration is unsigned.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- An abstract of the technical disclosure not exceeding 150 words in length and commencing on a separate sheet in compliance with 37 CFR 1.72(b) is required. An abstract was not provided for this application.

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.16(f) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

**SUMMARY OF FEES DUE:**

[Copied from 11203637 on 08/31/2005]

Total additional fee(s) required for this application is **\$565** for a Small Entity

- **\$150** Statutory basic filing fee.
- **\$65** Surcharge.
- The application search fee has not been paid. Applicant must submit **\$250** to complete the search fee.
- The application examination fee has not been paid. Applicant must submit **\$100** to complete the examination fee for a small entity in compliance with 37 CFR 1.27

**Items Required To Avoid Processing Delays:**

The item(s) indicated below are also required and should be submitted with any reply to this notice to avoid further processing delays.

- A new oath or declaration, identifying this application number is required. The oath or declaration does not comply with 37 CFR 1.63 in that it:
- does not state that the person making the oath or declaration acknowledges the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.
- does not state that the person making the oath or declaration has reviewed and understands the contents of the specification, including the claims, as amended by any amendment specifically referred to in the oath or declaration.
- does not state that the person making the oath or declaration believes the named inventor or inventors to be the original and the first inventor or inventors of the subject matter which is claimed and for which a patent is sought.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199, or 1-800-972-6382  
PART 3 - OFFICE COPY

08-12-2005

TRNA.

38a

Please note: This is NOT an application, but a copy of an earlier copy of an original application which was presented to the USPTO in 2003.

**Utility Patent Application Transmittal Letter**

081205  
22764 U.S. PTO

Actual types of papers being filed:

Transmittal Letter  
Fee Transmittal Information Page (with check for the amount of Appropriate Fee)  
Specification  
Declaration

Applicant's name:

Timothy Raymond Cronin

Type of application:

nonprovisional utility patent

Title of the invention:

Certified protection from subliminal content for recordings.

Contents of the application:

Transmittal Letter (one page)  
Fee Transmittal Information Page (one page)  
Specification (five pages; including one Claim page)  
Declaration (one page)

Accompanying enclosure:

personal check for filing fee

USPS "Express Mail" mailing label number: ER 133411531 US

112991 U.S. PTO  
11/203657  
081205

386

091205  
22264 U.S. PTO

**Fee Transmittal Information Page**

re: single claim nonprovisional utility patent application

note: Applicant claims small entity status.

Fee Code: 1001/2001

37 CFR: 1.16(a)

Basic filing fee - Utility (Small Entity): \$385.00

Method of Payment: check

112991 U.S. PTO  
11/203657  
091205

The PTO did not receive the following  
listed item(s). the check.

38c

P.O. Box 291  
Portage, WI 53901  
August 12, 2005

Mrs. Marcia Robinson  
South Tower Building, Room 437A  
Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313

Dear Mrs. Robinson:

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The copy (of the application which I sent

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38d

(2)

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Again, thank you for your help with my application.

Sincerely,  
Tim Cronin

Tim Cronin

P.S. re: 10/680830

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08-12-2005

SPEC

39

## Specification

### INTRODUCTION

Applicant name: Timothy Raymond Cronin

Citizenship of applicant: United States of America

Residence of applicant: Columbia County, Wisconsin, USA

Title of Invention: Certified Protection From

Subliminal Content For Recordings

### CROSS-REFERENCE TO RELATED APPLICATIONS

Not Applicable

### STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT

Not Applicable

### REFERENCE TO SEQUENCE LISTING, A TABLE, OR A COMPUTER PROGRAM LISTING COMPACT DISK APPENDIX

Not Applicable

### BACKGROUND OF THE INVENTION

0001) The sales of audio and video recordings have been declining due to theft of the information contained in those recordings. Theft which was enabled by widespread use of new technologies. My invention aims to increase the sales of audio and video recordings by adding a value to those recordings which cannot be easily copied

0002) I am not aware of a prior art of this type in

**Specification (contd.)**

the recording industry. Other sellers of consumer products, such as foods, soaps, and pharmaceuticals, have long used relative better purity as a selling point for their products.

**BRIEF SUMMARY OF THE INVENTION**

0003) Certified verifiably subliminal-free audio and video recordings. That is, recordings offered for sale which are certified to contain only that information which is not meant to pass unnoticed into the subconscious of a person or of persons listening to or viewing the recording. By offering such certified recordings for sale, the recording industry might increase sales of their products.

**BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING**

Not Applicable

**DETAILED DESCRIPTION OF THE INVENTION**

0004) Production of audio, or audio and video, or video recordings in a secure production environment and using verified subliminal-free master recordings in such a way as to make it possible for the manufacturer of copies of a recording or recordings to be able to certify that the recording or recordings so produced will be verifiably free of so-called subliminals. That is, free of information included in the recording or recordings which is not meant

**Specification (contd.)**

to be consciously perceptible by the average person who might listen to, listen to and view, or view the recording or recordings.

0005) This invention differs from other attempts to reduce theft of the intellectual property content of recordings. It does not do this by adding information in either the form of security features or extra-value content to copies of recordings. Nor does it do so by reducing the price of the recordings. But by certifying that copies' content is verifiably free of a specific class of information, inherent theft-resistant value is added to each copy.

0006) I perceive that the best method for my invention to be implemented by the recording industry would be for that industry to verify the exact content of information which it intends to make copies of. To protect that information so that no additions can be made to it. Then to securely control the production of recorded copies of that information: and to do so in a way that allows manufacturers of those recordings to certify that each copy would be verifiably free of any information which is not overtly and clearly specified as being part of the contents of each copy.

08-12-2005

CLM

40a

**Specification (contd.)**

**CLAIM**

0007) What I claim as my invention is:

Certified verifiable subliminal-free

audio recordings,

recordings containing both audio and video content,  
and visual recordings.

406

**Specification (contd.)**

**ABSTRACT OF THE DISCLOSURE**

Not Applicable

**DRAWINGS**

Not Applicable

08-12-2005  
OATH

41

**Declaration**

re: This nonprovisional utility patent application

Name of Inventor:

Timothy Raymond Cronin  
(sole inventor of the invention claimed)

Inventor's Country of Citizenship:

United States of America

Inventor's City and State of Residence:

lives near Portage, Wisconsin

Inventor's Mailing (and Correspondence) Address:

P.O. Box 291  
Portage, WI 53901

Signature of actual Inventor: \_\_\_\_\_

08-12-2005

WFEE

42

PTO/SB/06 (12-04)

Approved for use through 7/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE  
is a collection of information unless it displays a valid USPTO control number.

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**PATENT APPLICATION FEE DETERMINATION RECORD**

**Substitute for Form PTO-875**

Application or Docket Number

1120365+

**APPLICATION AS FILED – PART I**

(Column 1)

**(Column 2)**

**OTHER THAN  
SMALL ENTITY**

- If the difference in column 1 is less than zero, enter "0" in column 2.

**TOTAL** **500**

**TOTAL**

**APPLICATION AS AMENDED – PART II**

(Column 1)		(Column 2)		(Column 3)		SMALL ENTITY		OTHER THAN SMALL ENTITY	
AMENDMENT A	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA		RATE (\$)	ADDITIONAL FEE (\$)	RATE (\$)	ADDITIONAL FEE (\$)
	Total (37 CFR 1.15(i))	Minus	**	■		X	■	X	■
	Independent (37 CFR 1.15(h))	Minus	***	■		X	■	X	■
	Application Size Fee (37 CFR 1.16(s))					N/A		N/A	
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(l))					TOTAL ADD'L FEE		TOTAL ADD'L FEE	
(Column 1)		(Column 2)		(Column 3)		SMALL ENTITY		OTHER THAN SMALL ENTITY	
AMENDMENT B	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA		RATE (\$)	ADDITIONAL FEE (\$)	RATE (\$)	ADDITIONAL FEE (\$)
	Total (37 CFR 1.15(i))	Minus	**	■		X	■	X	■
	Independent (37 CFR 1.15(h))	Minus	***	■		X	■	X	■
	Application Size Fee (37 CFR 1.16(s))					N/A		N/A	
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(l))					TOTAL ADD'L FEE		TOTAL ADD'L FEE	

- If the entry in column 1 is less than the entry in column 2, write "0" in column 3.

"If the 'First Number Previously Paid For' IN THIS SPACE is less than 20, enter '20'.

\*\*\* If the "Amount Previously Paid For" IN THIS SPACE is less than 3, enter "3".

Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

This collection of information is required by 37 CFR 1.18. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. FAX TO: (703) 305-5400. Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.